# INDEX

TO

# Punjab Government Gazette

FOR HALF YEAR ENDING

# 30th June, 1933.

## Part II.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Names. | Admissions, appointments, deputations, postings, reinstatements, resuming charge and transfers. | Acting or permanent promotions and reversions from such promotions. | Deaths, dismissals, reductions, resignations, retirements and suspensions. | Leave. | Examinations | Powers. Grant and withdrawal of —. |
| A. | | | | | | |
| Abdul Hasan Khan, P.C.S. (Rtd.) ... | 360 | ... | ... | .. | ... | 360 |
| Addison, Mr. L. P. ... ... ... | 83 | ... | ... | ... | ... | ... |
| Aspinall, Major R. S. ... ... ... | 285 | ... | ... | ... | ... | ... |
| B. | | | | | | |
| Boyd, Mr. D. J. ... ... ... | 358 | ... | ... | ... | ... | |
| C. | | | | | | |
| Creaner, Mr. T. A. ... ... ... | 61 | ... | ... | ... | ... | ... |
| Curtis, Mr. G. C. S. ... ... ... | 396 | ... | ... | ... | ... | ... |
| D. | | | | | | |
| DeMontmorency Sir Geoffery, K.C.S. I., G.C.I.E., K.C.V.O., C.B.E., I.C.S., | ... | .. | | 218 | | |
| E. | | | | | | |
| Emerson, Sir Herbert, K.C.S.I., C.I.E., C.B.E., I.C.S. .. | ... | ... | .. | 82-83, 119,355 | ... | |
| Everall, Mr. W. T. ... ... | ... | ... | ... | 28 | | |
| G. | | | | | | |
| Gordon, Captain B. ... ... ... | ... | ... | ... | 259 | | |
| Gupta, Mr. S. N. ... ... ... | ... | ... | ... | 75 | | |
| K. | | | | | | |
| Kelly, Mr. J. ... ... ... | ... | ... | ... | 381 | | |
| Khariat Nabi, Munshi ... ... | ... | ... | | 120 | | |
| L. | | | | | | |
| Lall, Mr. R. P. ... ... | ... | ... | .. | 359 | | |
| M. | | | | | | |
| Malik, Mr. H. S. ... ... ... | 75 | .. | ... | ... | ... | ... |
| Mangat Rai, R.B. ... ... ... | 185 | ... | ... | ... | ... | ... |
| Middelton, Mr. L. ... ... ... | 175 | ... | . | ... | ... | ... |
| N. | | | | | | |
| Nasir Ali Shah, S. ... ... ... | 360 | ... | ... | ... | ... | ... |

PART II.—*CONTINUED.*

| Names. | Admissions, appointments, deputations, postings, re-instatements, resuming charge and transfers. | Acting or permanent promotions and reversions from such promotions. | Deaths, dismissals, reductions, resignations, retirements and suspensions. | Leave. | Examinations. | Powers. Grant and withdrawal of—. |
|---|---|---|---|---|---|---|
| **P.** | | | | | | |
| Parker, Mr. R. W. ... ... ... | 83 | ... | ... | ... | ... | .. |
| Pars Ram Lal ... ... ... | 360 | ... | ... | ... | ... | 359 |
| Pearce, Mr. W. R. ... ... ... | 185 | ... | ... | ... | ... | ... |
| **S.** | | | | | | |
| Saeed Aslam Khan, Mir ... ... ... | 222 | ... | .. | ... | ... | ... |
| Shearer, Mr. J. B. ... ... ... | 268 | ... | ... | ... | ... | ... |
| Skemp, Mr. F. W. ... ... ... | 184 | ... | ... | ... | ... | ... |
| Sloan, Mr. T. ... ... ... ... | 214 | ... | ... | ... | ... | ... |
| Spencer Mr. G. H. ... ... ... ... | ... | ... | ... | 208 | ... | ... |
| Sudarshan Singh S. S. ... ... ... | 110 | ... | ... | ... | .. | ... |
| **T.** | | | | | | |
| Taylor, Mr. H. J. B. ... ... ... | 83 | ... | ... | ... | ... | ... |
| **W.** | | | | | | |
| Wadley, Mr. K. L. H. ... ... ... | 61 | ... | ... | ... | ... | ... |
| West Cott, Revd. Foss. ... ... ... | ... | ... | ... | 295 | | ... |
| Whitamore, Lt.-Col. V. N. ... ... ... | ... | ... | ... | 296 | | ... |
| Williams, Mr. A. A. ... ... ... | 83 | ... | ... | ... | ... | ... |
| Williams, Mr. C. F. V. ... ... ... | 214 | ... | ... | ... | ... | ... |

PART II—CONTINUED.

PART II—CONTINUED.

PART II—CONTINUED.

PART II—CONCLUDED.



244 CS—825—22-1-36—SGPP Lahore.

# INDEX

TO

# Punjab Government Gazette

FOR HALF YEAR ENDING

# 31st December, 1933.

## PART II.

PART II—CONTINUED.

PART II—CONTINUED.

PART II—CONCLUDED.



300 CS—825—21-7-36—SGPP Lahore.

# INDEX

TO

# Punjab Government Gazette

FOR HALF YEAR ENDING

# 30th June 1933.

## PART IV.

A.



B.

PART IV—CONTINUED.



242 CS—916—4-7-35—SGPP Lahore.

# INDEX

TO

# Punjab Government Gazette

FOR HALF YEAR ENDING

# 30th June, 1933.

## PART V.



242 CS—745—8-7-35—SGPP Lahore.

# INDEX

TO

# Punjab Government Gazette

## FOR THE HALF-YEAR ENDING

# 31st December, 1933,

## PART IV.



300 CS—616—22-7-36—SGPP Lahore.

# INDEX

TO

# Punjab Government Gazette

FOR HALF YEAR ENDING

# 31st December, 1933.

## PART V.




300 CS—745—21-7 35—SGPP Lahore.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, JANUARY 13, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA", NEW DELHI, SATURDAY, DECEMBER 17, 1932.

### GOVERNMENT OF INDIA DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

New Delhi, the 12th December 1932.

**No. D.-2767/32-A.**—In exercise of the powers conferred by sub-section (1) of section 3 of the Destructive Insects and Pests Act, 1914 (II of 1914) the Governor General in Council is pleased to direct that the following further amendment shall be made in the order published with the notification of the Government of India in the late Department of Revenue and Agriculture, No. 580-240, dated the 22nd June, 1922, namely :—

In the second proviso to paragraph 3 of the said order for the letters and words "Mr. G. H. Krumbiegel" and "Mr. Krumbiegel" the letters and words "Mr. H. C. Javarayya" and "Mr. Javarayya" shall be substituted, respectively.

G. S. BAJPAI,

Secretary to the Government of India.



PGG

FROM THE "GAZETTE OF INDIA", NEW DELHI, SATURDAY, DECEMBER 24, 1932.

## LEGISLATIVE DEPARTMENT.

NOTIFICATION.

New Delhi, the 22nd December 1932.

**No. 5-V-32-P.**—The following Statute is published for general information :—

### THE OTTAWA AGREEMENTS ACT, 1932.

(22 AND 23 GEO. 5, CH. 53.)

A. D. 1932.

ARRANGEMENT OF SECTIONS.



## CHAPTER 53.

AN ACT TO ENABLE EFFECT TO BE GIVEN TO THE AGREEMENTS MADE ON THE TWENTIETH DAY OF AUGUST, NINETEEN HUNDRED AND THIRTY-TWO, AT THE IMPERIAL ECONOMIC CONFERENCE HELD AT OTTAWA, AND TO A CERTAIN ANNOUNCEMENT MADE AT THAT CONFERENCE ON BEHALF OF HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM BY IMPOSING AND PROVIDING FOR THE IMPOSITION OF CERTAIN DUTIES OF CUSTOMS AND OTHERWISE, TO MAKE FURTHER PROVISION FOR IMPERIAL PREFERENCE, AND FOR PURPOSES CONSEQUENTIAL ON AND CONNECTED WITH THE MATTERS AFORESAID.

[*15th November, 1932.*]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons in Parliament assembled, with a view to the giving of effect to the agreements made on the twentieth day of August, nineteen hundred and thirty-two, at the Imperial Economic Conference held at Ottawa (being the agreements set out in the First Schedule to this Act), and to the announcement made at that Conference on behalf of His Majesty's Government in the United Kingdom (being the announcement set out in Part VIII of the said Schedule have freely and voluntarily resolved to give and grant unto Your Majesty the duties for which provision is hereinafter contained ; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Charge of customs duties on goods specified in Second Schedule.

1.—(1) With a view to the fulfilment of the agreements set out in the First Schedule to this Act (hereafter in this Act referred to as the "scheduled agreements") and the announcement set out in Part VIII of that Schedule, there shall be charged on the importation into the United Kingdom of goods of the classes and descriptions specified in the first column of Part I of the Second Schedule to this Act, the duties of customs respectively specified in the second column of that part of that Schedule, subject to the provisions of Part II of that Schedule.

(2) If at any time the Treasury are satisfied with respect to any duty chargeable under this section that the duty can be repealed, or the rate thereof reduced, as

regards goods of any class or description (whether being a class or description specified in Part I of the Second Schedule to this Act or a subsidiary class or description comprised in a class or description so specified) without contravening any of the scheduled agreements for the time being in force, the Treasury shall, unless it appears to them that the repeal or reduction would be inconsistent with the announcement aforesaid, by order direct that, as from such date as may be specified in the order, that duty, as the case may be, shall not be charged on goods of that class or description, or shall be charged thereon at such reduced rate specified in the order as appears to the Treasury to be the lowest rate at which the duty can be charged without contravening any of the scheduled agreements for the time being in force.

(3) If, at any time after an order has been made under the last foregoing sub-section, the Treasury are satisfied that the reimposition, or the increase of the rate, of the duty specified in the order is necessary for the fulfilment of any of the scheduled agreements for the time being in force, the Treasury shall by order direct that, as from such date as may be specified in the order, the duty shall again be charged or, as the case may be, shall be charged at such increased rate specified in the order as appears to the Treasury to be the lowest rate at which the duty can be charged without contravening any of the scheduled agreements for the time being in force :

Provided that nothing in this sub section shall authorise any such duty to be charged on goods of any class or description at a rate higher than the rate specified in relation thereto in Part I of the Second Schedule to this Act.

(4) Subject to the provisions of this Act, the duties of customs chargeable on any goods under this section shall be charged in addition to any other duties of customs for the time being chargeable thereon or on any of the components thereof :

Provided that—

(a) nothing in this sub-section shall affect the provisions of paragraph (a) of sub-section (2) of section one of the Import Duties Act, 1932 (which exempts from the general *ad valorem* duty certain goods for the time being chargeable with a duty of customs by or under any enactment other than that Act) ; and 22 and 23 Geo. 5 c. 8.

(b) while any goods are chargeable with duty under this section, any order in force under the Import Duties Act, 1932, at the date when those goods become so chargeable shall, if and so far as it imposes an additional duty on those goods, cease to have effect.

(5) Notwithstanding anything in the last foregoing sub-section—

(a) the Import Duties Advisory Committee may recommend, subject to and in accordance with section three of the Import Duties Act, 1932, that an additional duty ought to be charged on goods of any class or description for the time being chargeable with a duty of customs under this section, as if the duty chargeable under this section were the general *ad valorem* duty, and the Treasury may make an order under that section accordingly ; and

(b) the provisions of the enactments set out in Part III of the Second Schedule to this Act shall, subject to the provisions of that Part of that Schedule, apply for the purposes of this section as they apply for the purposes of the Import Duties Act, 1932 :

Provided that this sub-section shall not apply to goods which, immediately before they became chargeable with duty under this section, were exempt from the general *ad valorem* duty by virtue of the provisions of paragraph (a) of sub-section (2) of section one of the said Act.

General preferences for British Empire.

**2.**—(1) Neither the duties chargeable under the foregoing provisions of this Act nor the general *ad valorem* duty nor, subject as hereinafter provided, any additional duty shall be charged in the case of goods which are shown to the satisfaction of the Commissioners to have been consigned from any part of the British Empire and grown, produced or manufactured in any country the Government of which is a party to one of the schedule agreements for the time being in force :

Provided that if at any time the Treasury are satisfied with respect to any such country that an additional duty chargeable on goods of any particular class or description can, without contravention of any of the scheduled agreements for the time being in force, be charged on goods of that class or description which are shown as aforesaid to have been consigned from a part of the British Empire and to have been grown, produced or manufactured in that country, the Treasury may by order direct that, as from such date as may be specified in the order, that duty shall be charged on such goods, either at the full rate or at such lower rate as may be so specified.

Any order made under this sub-section may be varied or revoked by a subsequent order.

(2) For the purposes of the last foregoing sub-section, any territory in respect of which a mandate of the League of Nations is being exercised by, or which is administered

under the authority of, the Government of any country shall be treated as if it were a part of that country.

(3) In the case of goods which are shown to the satisfaction of the Commissioners to have been consigned from any part of the British Empire and grown, produced or manufactured in the Irish Free State, the duties chargeable under the foregoing provisions of this Act, or under any order made under section three of the Import Duties Act, 1932, by virtue of the foregoing provisions of this Act, shall not become chargeable until the earliest date on which no order is in force by virtue of which duties are chargeable under the Irish Free State (Special Duties) Act, 1932, or such later date as may be fixed by resolution of the Commons House of Parliament.

22 and 23 Geo. 5 c. 30.

(4) The duties chargeable under the foregoing provisions of this Act shall not be charged in the case of goods which are shown to the satisfaction of the Commissioners to have been consigned from any part of the British Empire and grown, produced or manufactured in any part of the British Empire to which section four of the Import Duties Act, 1932, does not apply.

(5) During the period of three years from the passing of this Act, or such further period as may be prescribed, any copper produced in any part of the British Empire but refined outside the British Empire, being copper to which this sub-section applies, shall, subject to proof being given in the prescribed manner that it has been so produced and that it has been consigned from the country in which it was refined, be treated for the purposes of this section as if it had been consigned from a part of the British Empire.

This sub-section applies to any kind of copper to which it is declared to apply by regulations made by the Board of Trade, after consultation with the Treasury, for the purposes of this sub-section, and the expression "prescribed" in this sub-section means prescribed by regulations made as aforesaid, and different regulations may be made with respect to different parts of the British Empire and different kinds of copper.

(6) Goods shown to the satisfaction of the Commissioners to have been consigned from the port of Beira in Portuguese East Africa and shown as aforesaid, by means of a certificate signed by a Customs officer in the service of the Government of Southern or Northern Rhodesia or of Nyasaland, to have been grown, produced or manufactured in Southern or Northern Rhodesia or Nyasaland, as the case may be, shall be treated for the purposes of this section and of section five of the Import Duties Act, 1932, as if they had been consigned from a part of the British Empire.

(7) The provisions of section six of, and the Third Schedule to, the Import Duties Act, 1932 (being supplementary provisions as to Imperial preference), shall apply for the purposes of this section as they apply for the purposes of sections four and five of that Act, as if references to any duty chargeable under that Act or any provision thereof included a reference to any duty chargeable under the foregoing provisions of this Act.

**Increase of duty on light wine and preference for Empire light wine.**

**3.** With a view to the fulfilment of the Agreements set out in Parts II and IV of the First Schedule to this Act,—

17 and 18 Geo. 5 c. 10.

(*a*) the duty of customs chargeable under section five of the Finance Act, 1927, on wine, not being an Empire product and not exceeding twenty-five degrees of proof spirit, shall be increased from three shillings per gallon to four shillings per gallon ; and

(*b*) the duty of customs chargeable under the said section on wine not exceeding twenty seven degrees of proof spirit, being an Empire product, shall be charged at a preferential rate representing the full rate of duty for the time being chargeable on wine not exceeding twenty-five degrees of proof spirit and not being an Empire product, reduced by two shillings per gallon :

Provided that—

(*i*) if at any time the Treasury are satisfied that none of the scheduled agreements for the time being in force would be contravened if the words "one shilling per gallon" were substituted in paragraph (*b*) of this sub-section for the words "two shillings per gallon," the Treasury shall by order direct that that paragraph shall have effect as if those words were so substituted, so, however, that any such order shall be revoked if and when the Treasury are satisfied that any such agreement is being contravened by the order ; and

(*ii*) in relation to wine produced or manufactured in a country the Government of which is a party to one of the scheduled agreements, the said paragraph shall in any case have effect, at any time when that agreement is not in force, as if the said words were substituted as aforesaid.

Preference for Empire tobacco and coffee and amendment of coffee drawback.

**4.**—(1) With a view to the fulfilment of the Agreements set out in Parts I, IV, VI and VII of the First Schedule to this Act, sub-section (1) of section seven of the Finance Act, 1926, (which provides for the stabilisation of rates of Imperial preference) shall, in ralation to the duties of customs chargeable on tobacco, have effect as if the period of ten years mentioned in that sub-section were extended so as to expire on the nineteenth day of August, nineteen hundred and forty-two. 16 and 17 Geo. 5 c. 22.

(2) With a view to the fulfilment of the Agreements set out in Parts VI and VII of the First Schedule to this Act, coffee (not kiln-dried, roasted or ground) being an Empire product, shall be charged with a duty of customs at a preferential rate representing the full rate of duty for the time being chargeable on such coffee, not being an Empire product, reduced by nine shillings and fourpence per hundredweight :

Provided that—

(*a*) if at any time the Treasury are satisfied that none of the scheduled agreements for the time being in force would be contravened if the words "two shillings and fourpence per hundredweight" were substituted in this sub-section for the words "nine shillings and fourpence per hundredweight," the Treasury shall by order direct that this sub section shall have effect as if these words were so substituted so, however, that any such order shall be revoked if aud when the Treasury are satisfied that any such agreement is being contravened by the order ; and

(*b*) in relation to coffee produced or manufactured in a country the Government of which is a party to one of the scheduled agreements, this sub-section shall in any case have effect, at any time when that agreement is not in force, as if the said words were substituted as aforesaid.

(3) For the rates of drawback on coffee and mixtures of coffee and chicory specified in sub-section (4) of section three of the Finance Act, 1924, there shall, if a duty of customs was paid on the coffee, or on the coffee or any part of the coffee contained in the mixture, as the case may be, at a preferential rate representing the full rate of duty reduced by nine shillings and fourpence per hundredweight, be substituted the following reduced rates, that is to say :— 14 and 15 Geo. 5 c. 21.

| | s. d. |
|---|---|
| Coffee, for every one hundred pounds .. .. | 4 8 |
| Mixture of coffee and chicory— | |
| For every one hundred pounds of coffee contained in the mixture on which a duty of customs was paid as aforesaid | 4 8 |
| For every one hundred pounds of the other components of the mixture. | The rate payable under the said sub-section (4) for every one hundred pounds of the whole mixture. |

and so in proportion for any less quantity.

Security of preferences granted in fulfilment of Canadian agreement against action by foreign countries.

**5.**—(1) If at any time the Board of Trade are satisfied that any preferences granted by this Act in respect of any particular class or description of goods, being preferences granted in fulfilment of tho agreement set out in Part I of the First Schedule to this Act, are likely to be frustrated in whole or in part by reason of the creation or maintenance, directly or indirectly, of prices for that class or description of goods through State action on the part of any foreign country, the Board of Trade may by order prohibit the importation into the United Kingdom of goods of that class or description grown, produced or manufactured in that foreign country.

(2) Any order made under this section shall be revoked by a subsequent order made in like manner if and when the Board of Trade are satisfied that the further operation of the order is no longer necessary to make effective or to maintain the pre erences granted as aforesaid in resp ct of the class or description of goods to which the order relates.

(3) No order shall be made under this section except with the concurrence of the Treasury, given after consultation with any other Government Department which appears to the Treasury to be interested.

(4) The Board of Trade may make regulations prescribing, either generally or in relation to goods of any particluar class or description, the conditions which must be fulfilled in order to establish that goods have not been grown, produced or manufactured in a forei n country with respect to which an order is in force under this section, and, while any such order is in force with respect to any foreign country, it shall be lawful for the Commissioners, on the importation of any goods which, if produced or

(3) This Act shall continue in force so long as any of the scheduled agreements is in force and no longer, unless Parliament otherwise determines :

Provided that—

(a) the expiry of this Act shall not affect the previous operation thereof or of any order made thereunder, or any obligation or liability previously incurred under this Act or any such order in respect of any duty of customs, penalty, forfeiture or punishment, or the taking of any steps or the institution or carrying on of any proceedings to determine the amount of any such duty or enforce any such obligation or liability ; and

(b) nothing in the this sub-section shall affect the provisions of this Act which amend section seven of the Finance Act, 1926, in relation to the customs duty chargeable on tobacco.

## SCHEDULES.

Sections 1, 3, 4, 5, 6, 7 and 9.

### FIRST SCHEDULE.

*Agreements and Announcement made at the Imperial Economic Conference, Ottawa, 1932.*

### PART I.

UNITED KINGDOM-CANADIAN AGREEMENT.

WE, the representatives of His Majesty's Government in the United Kingdom and of His Majesty's Government in Canada, hereby agree with one another, on behalf of our respective Governments, as follows :—

*Article 1.*

His Majesty's Government in the United Kingdom undertake that orders shall be made in accordance with the provisions of section 4 of the Import Duties Act, 1932, which will ensure the continuance after the 15th November, 1932, of entry free of duty into the United Kingdom of goods consigned from any part of the British Empire, and grown, produced or manufactured in Canada, which by virtue of that Act are now free of duty subject, however, to the reservations set forth in Schedule A appended hereto.

*Article 2.*

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule B appended hereto, the duties of customs shown in that schedule in place of the duties (if any) now leviable.

*Article 3.*

His Majesty's Government in the United Kingdom undertake that the general *ad valorem* duty of 10 per cent. imposed by section 1 of the Import Duties Act, 1932, on the foreign goods specified in Schedule C shall not be reduced except with the consent of His Majesty's Government in Canada.

*Article 4.*

It is agreed that the duty on either wheat in grain, copper, zinc or lead, as provided in this agreement, may be removed if at any time Empire producers of wheat in grain, copper, zinc and lead respectively are unable or unwilling to offer these commodities on first sale in the United Kingdom at prices not exceeding the world prices and in quantities sufficient to supply the requirements of the United Kingdom consumers.

*Article 5.*

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to modify the conditions at present governing the importation into the United Kingdom of live cattle from Canada on the lines already agreed upon in principle between themselves and His Majesty's Government in Canada.

*Article 6.*

His Majesty's Government in the United Kingdom declare that it is their intention to arrange, as soon as possible after receiving the report of the Commission now sitting on the reorganisation of the pig industry in the United Kingdom, for the quantitative regulation of the supplies of bacon and hams coming on to the United Kingdom market, and undertake that in any legislation which they may submit to Parliament for regulating the supplies of bacon and hams from all sources into the United Kingdom, provision will be made for free entry of Canadian bacon and hams of good quality up to a maximum of 2,500,000 cwt. per annum.

*Article 7.*

His Majesty's Government in the United Kingdom will invite Parliament to pass legislation which will secure for a period of ten years from the date hereof to tobacco, onsigned from any part of the British Empire and grown, produced or manufactured in

Canada, the existing margin of preference over foreign tabacco, so long, however, as the duty on foreign unmanufactured tobacco does not fall below 2*s*. 0½*d*. per lb. in which even the margin of preference shall be equal to the full duty.

*Article 8.*

His Majesty's Government in the United Kingdom will invite the Governments of the non-self-governing colonies and protectorates to accord to Canada any preference which may for the time being be accorded to any other part of the British Empire, provided that this clause shall not extent to any preferences accorded by Northern Rhodesia to the Union of South Africa, Southern Rhodesia and the Territories of the South African High Commission by virtue of the Customs Agreement of 1930 ; and further will invite the Governments of the colonies and protectorates shown in Schedule D to accord to Canada new or additional preferences on the commodities and at the rates shown therein.

*Article 9.*

His Majesty's Government in Canada will invite Parliament to pass the legislation necessary to substitute for the duties of Customs now leviable on the goods specified in Schedule E the duties shown in that schedule provided that nothing in this Article shall preclude His Majesty's Government in Canada from reducing the duti s specified in the said schedule so long as the margin of British preference shown in that schedule is preserved or from increasing the rates under the intermediate or general tariff set out in the said schedule.

*Article 10.*

His Majesty's Government in Canada undertake that protection by tariffs shall be afforded against United Kingdom products only to those industries which are reasonably assured of sound opportunities for success.

*Article 11.*

His Majesty's Government in Canada undertake that during the currency of this Agreement the tariff shall be based on the principle that protective duties shall not exceed such a level as will give United Kingdom producers full opportunity of reasonable competition on the basis of the relative cost of economical and efficient production, provided that in the application of such principle special consideration may be given to the case of industries not fully established.

*Article 12.*

His Majesty's Government in Canada undertake forthwith to constitute the Tariff Board, for which provision is made in the Tariff Board Act, 1931.

*Article 13.*

His Majesty's Government in Canada undertake that on the request of His Majesty's Government in the United Kingdom they will cause a review to be made by the Tariff Board as soon as practicable of the duties charged on any commodities specified in such request in accordance with the principles laid down in Article 11 hereof, and that after the receipt of the report of the Tariff Board thereon such report shall be laid before Parliament, and Parliament shall be invited to vary wherever necessary the tariff on such commodities of United Kindom origin in such manner as to give effect to such principles.

*Article 14.*

His Majesty's Government in Canada undertake that no existing duty shall be increased on United Kingdom goods, except after an inquiry and the receipt of a report from the Tariff Board, and in accordance with the facts as found by that body.

*Article 15.*

His Majesty's Government in Canada undertake that United Kingdom producers shall be entitled to full rights of audience before the Tariff Board when it has under consideration matters arising under Articles 13 and 14 hereof.

*Article 16.*

His Majesty's Government in Canada undertake that Customs administration in Canada shall be governed by such general principles as will ensure (*a*) the avoidance, so far as reasonably possible, of uncertainty as to the amount of Customs duties and other fiscal imposts payable on the arrival of goods in Canada ; (*b*) the reduction of delay and friction to a minimum ; and (*c*) the provision of machinery for the prompt and impartial settlement of disputes in matters appertaining to the application of tariffs.

*Article 17.*

His Majesty's Government in Canada undertake that all existing surcharges on imports from the United Kingdom shall be completely abolished as soon as the finances of Canada will allow. They further undertake to give sympathetic consideration to the possibility of reducing and ultimately abolishing the exchange dumping duty in so far as it applies to imports from the United Kingdom.

| Commodity. | Margin of Preference. |
|---|---|
| (5) The Bahamas. | |
| The preferential drawback of 25 per cent. of certain Customs duties to be increased to 50 per cent. of those Customs duties. | |
| (6) Barbados, Bermuda, and Trinidad. | |
| Electrical appliances and apparatus.. | 15 per cent. *ad valorem.* |
| Bacon and ham .. .. | ½*d.* per lb. |
| (7) Barbados, British Guiana, the Leeward Islands (Antigua only) and Trinidad. | |
| The tariff treatment of pitch pine to be assimilated to that of other wood and timber and a margin of preference of not less than ten shillings per 1,000 feet to be established. | |
| (8) Barbados, Jamica, and Trinidad. | |
| Condensed milk .. .. | 10 per cent. *ad valorem* (or the equivalent specific rate). |
| Shooks .. .. .. | 10 per cent. *ad valorem.* |
| (9) Barbados and British Honduras. | |
| Potatoes and onions .. .. | 2*s.* per 100 lbs. |
| (10) Barbados. | |
| Oats .. .. .. | 9*d.* per 100 lbs. |
| (11) Bermuda, Jamaica (including the Turks and Caicos Islands, and the Cayman Islands), the Leeward Islands, and the Windward Islands. | |
| Hardware .. .. .. | 10 per cent. *ad valorem.* |
| (12) Bermuda. | |
| Eggs .. .. .. | 2 *d.* per dozen. |
| Canned meat .. .. | 10 per cent. *ad valorem.* |
| Canned fruit and canned vegetables | 15 per cent. *ad valorem.* |
| Furniture .. .. .. | 10 per cent. *ad valorem.* |
| (13) Jamaica. | |
| Apparel of all kinds (other than hosiery). | 10 per cent. *ad valorem.* |
| Wood and timber .. .. | 10 per cent. *ad valorem.* |
| (14) Ceylon. | |
| Bacon and ham .. .. | 10 per cent. *ad valorem.* |
| Canned fruit and vegetables .. | 15 per cent. *ad valorem.* |
| Canned fish .. .. | 15 per cent. *ad valorem.* |
| (15) Cyprus. | |
| Butter, cheese, tinned fish, and timber | One third of the duty, in lieu of one sixth. |
| (16) The Federated and Unfederated Malay States. | |
| Commodity. | Margin of Preference so soon as it is possible to institute duties thereon. |
| Condensed milk .. .. | 10 per cent. *ad valorem.* |
| Printing and wrapping paper .. | 10 per cent. *ad volorem.* |
| Canned fruit and canned vegetables | 15 per cent. *ad valorem.* |
| Canned fish .. .. | 15 per cent. *ad valorem.* |
| Electric batteries .. .. | 15 per cent. *ad valorem.* |
| Confectionery .. .. | 10 per cent. *ad valorem.* |
| (17) Fiji. | |
| Timber, dressed and undressed .. | 2*s.* per 100 super. feet. |
| (18) Malta. | |
| Wheat flour .. .. | 2*s.* per 100 kilog. |
| (19) Mauritius. | |
| Bacon and ham .. .. | 5 rupees per 100 kilog. |
| Cheese .. .. | 10 per cent. *ad valorem.* |
| Canned fish .. .. | 15 per cent. *ad valorem.* |
| Electric stoves and household appliances. | 15 per cent. *ad valorem.* |
| (20) Northern Rhodesia. | |
| Commodity. | Margin of Preference. |
| Electrical batteries and accumulators | 15 per cent. *ad valorem.* |
| Boxes, wooden, empty, or in shooks | 10 per cent. *ad valorem.* |
| Wood, unmanufactured, including ceiling and flooring boards. | 10 per cent. *ad valorem.* |
| Newsprint paper; wrapping paper; unspecified plain or composite paper. | 10 per cent. *ad valorem.* |
| Motor trucks, etc., as specified in Tariff Items 130 (*a*) and (*b*). | 10 per cent. *ad valorem.* |
| Motor cars, chassis and rubber pneumatic tyres and tubes of Canadian origin. | To be admitted at the same rates as those of United Kingdom origin under Tariff Items 129 (*a*) and (*c*) and 260. |
| (21) Sarawak. | |
| Condensed milk .. .. | 10 per cent. *ad valorem.* |

SCHEDULE E.

| Canadian Tariff Item. | Description. | Proposed Rates. British Preferential. | Intermediate | General. |
|---|---|---|---|---|
| 20a | Butter produced from the cocoa bean per pound | Free | 3 cts. | 3 cts. |
| 79 | Florist stock, *viz.*, Azaleas, rhododendrons, pot-grown lilacs, rose stock and other stock for grafting, seedling carnation stock, araucarias, bulbs, corms, tubers, rhizomes and dormant roots, n. o. p.; seedling stock for grafting, *viz.*: plum, pear, peach and other fruit trees .. .. .. .. .. | Free | 15 p. c. | 20 p.c. |
| 83 | Potatoes, as hereunder defined—<br>(*a*) In their natural state .. .. per 100 pounds | Free | Free | 75 cts. |
| 143a | Cigarettes, the weight of the paper covering to be included in the weight for duty per pound and | 3·50 dol.<br>25 p. c | 4·10 dol.<br>25 p.c. | 4·10 dol.<br>25 p.c. |
| 144 | Cut tobacco .. .. .. .. per pound | 80 cts. | 95 cts | 95 cts. |
| 145 | Manufactured tobacco, n.o.p, and snuff per pound | 75 cts. | 90 cts. | 90 cts. |
| 146 | Ale, beer, porter and stout, when imported in casks or otherwise than in bottle .. .. .. .. per gallon | 25 cts. | 35 cts | 35 cts. |
| 147 | Ale, beer, porter and stout, when imported in bottles per gallon<br>Provided that six quart bottles or twelve pint bottles shall be held to contain one gallon. | 30 cts. | 50 cts. | 50 cts. |
| 152 | Lime juice, fruit syrups and fruit juices, n.o.p .. .. | 15 p c. | 25 p.c. | 25 p.c. |
| 156 | Ethyl alcohol, or the substance commonly known as alcohol, hydrated oxide of ethyl or spirits of wine, n.o.p; gin of all kinds, n.o.p.; whisky and all spirituous or alcoholic liquors, n.o.p.; amyl alcohol or fusel oil, or any substance known as potato spirit or potato oil; methyl alcohol, wood alcohol, wood naphtha, pyrosylic spirit or any substance known as wood spirit or methylated spirits; absinthe, arrack, or palm spirit, brandy, including artificial brandy and imitations of brandy, n.o.p.; cordials and liqueurs of all kinds, n.o.p.; mescal, pulque, rum shrub, schiedam and other schnapps; tafia, angostura and similar alcoholic bitters or beverages and wines, n.o.p., containing more than forty per cent. of proof spirits, per gallon of the strength of proof .. .. .. .. ..<br>Provided, as to all goods specified in Item No. 156 when of less strength than the strength of proof, that no reduction or allowance shall be made in the measurement thereof for duty purposes, below the strength of 15 per cent. under proof. | 8 dol. | 10 dol. | 10 dol. |
| 157a | Amyl alcohol or refined fusel oil, when imported by the Department of National Revenue, or by a person licensed by the Minister, to be denatured for use in the manufacture of metal varnishes or lacquers, to be entered at ports prescribed by regulations of the Minister, subject to the Excise Act and to the regulations of the Department of National Revenue per gallon | Free | 25 cts. | 25 cts. |
| 159 | Spirits and strong waters of any kind, mixed with any ingredient or ingredients, as being or known or designated as essences, extracts, or ethereal and spirituous fruit essences n.o.p. per gallon and | 8 dol.<br>30 p.c. | 10 dol.<br>30 p.c. | 10 dol.<br>30 p.c. |
| 160 | Alcoholic perfumes and perfumed spirits, bay rum, cologne and lavender waters, lotions, hair, tooth and skin washes, and other toilet preparations containing spirits of any kind :—<br>(*a*) when in bottles or flasks containing not more than four ounces each .. .. .. .. | 60 p.c. | 90 p c. | 90 p.c. |
| | (*b*) when in bottles, flasks or other packages, containing more than four ounces each .. .. .. per gallon and | 5 dol<br>.. | 5 dol.<br>40 p.c. | 5 dol.<br>40 p.c. |
| 166 | Acetone and amyle acetate .. .. .. .. | 10 p.c. | 30 p.c. | 30 p.c. |
| 168 | Malt flour containing less than 50 per centum in weight of malt; malt syrup or malt syrup powder; extracts of malt, fluid or not; grain molasses—all articles in this item upon valuation without British or foreign excise duties, under regulations prescribed by the Minister .. .. .. .. per pound and | 3 cts.<br>20 p.c. | 5 cts.<br>30 p.c. | 10 cts.<br>35 p.c. |
| ex 171 | Comic periodicals for juveniles .. .. .. | Free | 10 p.c. | 10 p.c. |
| 171 | Books, printed, periodicals and pamphlets, or parts thereof, n.o.p., not to include blank account books, copy books, or books to be written or drawn upon .. .. .. .. | Free | 10 p.c. | 10 p.c. |
| ex 178 | Printed advertising matter issued by railway systems .. | Free | .. | .. |

| Canadian Tariff Item. | Description. | Proposed Rates. British Preferential. | Intermediate | General. |
|---|---|---|---|---|
| 178 | Advertising and printed matter, *viz.* : | | | |
| | Advertising pamphlets, advertising show cards, illustrated advertising periodicals; price books, catalogues and price lists; advertising almanacs and calendars; patent medicine or other advertising circulars, fly sheets or pamphlets; advertising chromos, cromo types oleographs or like work produced by any process other than hand painting or drawing, and having any advertisement or advertising matter printed, lithographed or stamped thereon, or attached thereto, including advertising bills, folders and posters, or other similar artistic work, lithographed, printed or stamped on paper or cardboard for business or advertisement purposes, n.o.p.....per pound .. | 5 cts. | 12½ cts. | 15 cts. |
| | Provided, that when imported under the General Tariff rate, the duty shall be not less than .. .. .. | .. | .. | 35 p.c. |
| 188 | Plain basic photographic paper, baryta coated, adapted for use exclusively in manufacturing albumenized or sensitized photographic paper .. .. .. .. | Free | 15 p. c. | 15 p. c. |
| ex 192 | Roofing and shingles of saturated felt .. .. .. | Free | 25 p. c. | 35 p. c. |
| ex 199 | Waxed stencil paper for use on duplicating machines .. .. | 10 p. c | 32½ p. c. | 35 p. c. |
| ex 203 | Chemical compounds composed of two or more acids or salts soluble in water, adapted for dyeing or tanning .. .. | Free | 10 p. c. | 10 p. c. |
| ex 203 | Aniline and coal tar dyes, soluble in water, in bulk or packages of not less than one pound weight .. .. .. | Free | 10 p. c. | 10 p. c. |
| ex 206 | Bacteriological products or serum for sub-cutaneous injection .. | Free | 20 p. c. | 20 p. c. |
| ex 207 | Blood albumen .. .. .. .. .. | Free | 10 p. c. | 10 p. c. |
| ex 208 | Salammoniac and nitrate of ammonia .. .. .. | Free | 25 p. c. | 25 p. c. |
| ex 208 | Oxide of cobalt .. .. .. .. | Free | 10 p. c. | 10 p. c. |
| ex 208 | Bichloride of tin and tin crystals .. .. .. | Free | 10 p. c. | 10 p. c. |
| ex 208 | Sulphate of copper (blue vitriol) .. .. .. | Free | 10 p. c. | 10 p. c. |
| ex 208 | Sulphate of iron (copperas) .. .. .. | Free | 10 p. c. | 10 p. c. |
| ex 208 | Cream of tartar in crystals and tartaric acid crystals .. | Free | 10 p. c. | 10 p. c. |
| ex 208 | Phosphorus and compounds thereof, n. o. p. .. .. | Free | 20 p. c. | 20 p. c. |
| ex 208 | Oxalic acid .. .. .. .. | Free | 20 p. c. | 20 p c. |
| ex 208 | Oxide of tin or of copper .. .. .. | Free | 15 p. c. | 15 p. c. |
| ex 208 | Sulphate of zinc and chloride of zinc .. .. .. | Free | 20 p. c. | 20 p. c. |
| 208*b* | Bisulphate of soda or nitre cake .. .. .. | Free | 20 p. c. | 20 p. c. |
| 208*d* | Calcium chloride, not in solution, for road-treating purposes only | Free | 15 p. c. | 15 p. c. |
| 208*e* | Xanthates, cresylic acid and compounds of cresylic acid, used in the process of concentrating ores, metals or minerals .. | Free | 15 p. c. | 15 p. c. |
| 208*h* | Ethylene glycol, when imported by manufacturers of anti-freezing compounds to be used exclusively in the manufacture of anti-freezing compounds, in their own factories .. .. | Free | 15 p. c. | 15 p. c. |
| ex 209 | Bichromate of potash, crude; red and yellow prussiate of potash | Free | 15 p c. | 15 p. c. |
| 210 | Peroxide of soda; silicate of soda in crystals or in solution bichromate of soda; nitrate of soda or cubic nitre; sulphide of sodium; nitrite of soda; arseniate, binarseniate, chlorate, bisulphite and stannate of soda; prussiate of soda and sulphite of soda .. .. .. .. .. | Free | 15 p. c. | 20 p. c. |
| 210*d* | Sodium, sulphate of crude, or salt cake .. .. per pound | ½ ct. | 3/5 ct. | 3/5 ct. |
| ex 211 | Chloride of aluminium, or chloralum .. .. .. | Free | 10 p. c. | 10 p. c. |
| 212 | Sulphate of alumina or alum cake; and alum in bulk, ground or unground, but not calcined .. .. .. | Free | 15 p. c. | 15 p. c. |
| 215 | Stearic acid, n. o. p. .. .. .. .. | Free | 17½ p. c | 20 p. c. |
| ex 216 | Acids, n. o. p. of a kind not produced in Canada .. | Free | 25 p. c. | 25 p. c. |
| ex 216 | Phosphoric acid .. .. .. .. .. | Free | 25 p c. | 25 p. c. |
| ex 216 | Nitric acid, not including glass containers, when in packages weighing not more than 100 pounds .. .. .. | Free | 20 p. c. | 22½ p. c. |
| ex 217 | Sulphuric and muriatic acids, not including glass containers, when in packages weighing not more than 100 pounds per 100 pounds | Free | 22½ cts. | 25 cts. |
| 218 | Acid phosphate, not medicinal .. .. .. | Free | 25 p. c. | 25 p. c. |
| ex 219 | Sulphuric ether and chloroform .. .. .. | Free | 25 p. c. | 25 p. c. |
| 219*c* | Non-alcoholic preparations or chemicals, such as are used for disinfecting, dipping or spraying, when in packages not exceeding three pounds each in weight, the weight of such packages to be included in the weight for duty .. .. .. | 5 p. c. | 25 p. c. | 25 p. c. |
| 229 | Soap, common or laundry .. .. per 100 pounds | 50 cts. | 1·50 dol. | 50 dol. |
| 230 | Castile soap, the weight of the cartons and wrappings to be included in the weight for duty .. .. per pound | Free | 2 cts. | 2 cts. |
| ex 232 | Glue, liquid, powdered or sheet, and gelatine, n. o. p. .. and per pound | 17½ p. c.<br>2 cts. | 25 p. c.<br>5 cts. | 25 p. c.<br>5 cts. |
| 232*b* | Vegetable glue .. .. .. .. | 10 p. c. | 35 p. c. | 35 p. c. |
| 232*c* | Gelatine, edible .. .. .. .. | 10 p. c. | 35 p. c. | 35 p. c. |
| 234 | Perfumery, including toilet preparations, non-alcoholic, *viz.*, hair oils, tooth and other powders and washes, pomatums, pastes and all other perfumed preparations, n. o. p. used for the hair, mouth or skin .. .. .. .. | 20 p. c. | 40 p. c. | 40 p. c. |

| Canadian Tariff Item. | Description. | PROPOSED RATES. British Preferential | Intermediate | General. |
|---|---|---|---|---|
| 236 | Surgical dresssings, antiseptic, or aseptic including absorbent cotton, lint, lamb's wool, tow, jute, cakum, woven fabric of cotton weighing not more than seven and one-half pounds per one hundred square yards, whether imported singly or in combination one with another, but not stitched or otherwise manufactured; surgical trusses and suspensory bandages of all kinds; sanitary napkins, spinal braces and abdominal supports .. .. | 12½ p.c. | 25 p.c. | 35 p.c. |
| 240 | Ultramarine blue, dry or in pulp; whiting or whitening; Paris white and gilders' whiting; blanc fixe; satin white | Free | 10 p.c. | 10 p.c. |
| 241 | Litharge, other than for battery purposes .. .. | Free | 15 p.c. | 15 p.c. |
| ex 242 | Dry red lead and orange mineral; zinc oxides such as zinc white and lithopone .. .. .. .. .. | Free | 15 p.c. | 15 p.c. |
| 245 | Ochres, ochrey earths, siennas and umbers .. .. | 5 p.c. | 15 p.c. | 15 p.c. |
| 249 | Varnishes, lacquers, japans, japan driers, liquid driers and oil finish n.o.p .. .. .. per gallon and | 20 cts<br>15 p.c. | 20 cts.<br>25 p.c. | 20 cts.<br>30 p.c. |
| 253 | Putty of all kinds .. .. .. .. | 17½ p.c. | 27½ p.c. | 27½ p.c. |
| 254 | Gums, *viz.*: Amber, Arabic, Australian, copal, damar, elemi, kaurie, mastic, sandarac, senegal, tragacanth, gedda, and barbarry gum chicle or sappato gum, crude; lac, crude, seed, button, stick and shell; ambergris; Pontianac .. .. .. | Free | 15 p.c. | 15 p.c. |
| 256 | Printing ink .. .. .. .. | 12½ p.c. | 17½ p.c. | 25 p.c. |
| ex 256 | Rotogravure ink .. .. .. .. .. | 12½ p.c. | 17½ p.c. | 20 p.c. |
| 264 | Essential oils, n.o.p., including bay oil, otto of limes, and peppermint oil .. .. .. .. | Free | 7½ p.c. | 7½ p.c. |
| 276*b* | Cotton seed and crude cotton seed oil, when imported by manufacturers of cotton seed meal and refined cotton seed oil, for use exclusively in the manufacture of such commodities in their own factories .. .. .. .. | Free | 10 p.c. | 10 p.c. |
| 277 | Palm and palm kernel oil, unbleached, or bleached not edible shea butter .. .. .. .. | Free | 10 p.c. | 10 p.c. |
| 278 | Oils, *viz.*: Cocoanut, palm and palm kernel not edible, for manufacturing soap; carbolic or heavy oil, olive oil for manufacturing soap or tobacco or for canning fish .. .. .. | Free | 10 p.c. | 10 p.c. |
| ex 284 | Earthenware tiles, for roofing purposes .. .. .. | Free | 32½ p.c. | 35 p.c. |
| 287 | Tableware of china, porcelain, semi-porcelain, white granite or ironstone .. .. .. .. .. | Free | 35 p.c. | 35 p.c. |
| 288 | Earthenware and stoneware, brown or coloured and Rockingham ware "C.C." or cream-coloured ware, decorated, printed or sponged and all earthenware n.o.p. .. .. | 25 p.c. | 35 p.c. | 35 p.c. |
| 289 | Baths, bathtubs, basins, closets, lavatories, urinals, sinks and laundry tubs of earthenware, stone, cement, clay of other material, n.o.p. | 20 p.c. | 35 p.c. | 35 p.c. |
| 300 | Crucibles of clay, sand or plumbago .. .. .. | Free | 15 p.c. | 15 p.c. |
| ex 312 | Asbestos in any form other than crude, and all manufactures thereof, when made from crude, asbestos of Empire origin .. | Free | 22½ p.c. | 25 p.c. |
| 318 | Common and colourless window glass .. .. .. | Free | 15 p.c. | 15 p.c. |
| 319 | Glass, in sheets, and bent plate glass, n.o.p. .. .. | Free | 25 p.c. | 25 p.c. |
| 320 | Plate glass, not bevelled, in sheets or panes not exceeding seven square feet each, n.o.p. .. .. .. | Free | 25 p.c. | 25 p.c. |
| 321 | Plate glass, not bevelled, in sheets or panes exceeding seven square feet each, and not exceeding twenty-five square feet each, n.o.p. .. .. .. .. | Free | 25 p.c. | 25 p.c. |
| 322 | Plate glass, n.o.p. .. .. .. .. | 20 p.c. | 30 p.c. | 35 p.c. |
| ex 339 | Lead capsules for bottles .. .. .. .. | 10 p.c. | 27½ p.c. | 30 p.c. |
| 340 | Type for printing, including chases, quoins and slugs, of all kinds | 7½ p.c. | 17½ p.c. | 20 p.c. |
| 341 | Babbit metal, and type metal, in blocks, bars, plates and sheets. | 10 p.c. | 20 p.c. | 20 p.c. |
| 348*d* | Copper in bars or rods, when imported by manufacturers of; trolley, telegraph and telephone wires, electric wires and electric cables, for use only in the manufacture of such articles in their own factories .. .. .. .. | Free | 10 p.c. | 10 p.c. |
| 349 | Brass in bars and rods, in coil or otherwise, not less than six feet in length, and brass in strips, sheets or plates, not polished, planished or coated .. .. .. .. | 5 p.c. | 10 p.c. | 15 p.c. |
| 380 | Wire of all metals and kinds, n.o.p. .. .. .. | 10 p.c. | 30 p.c. | 35 p.c. |
| ex 350<br>ex 351<br>ex 353<br>ex 353*a*<br>ex 354<br>ex 361<br>ex 711 | Aluminium and alloys thereof, crude or semi-fabricated, *viz.*: pigs, ingots, blocks, notch bars, slabs, billets and blooms; scrap, bars, rods and wire; angles, channels, beams, tees, and other rolled or drawn sections and shapes; pipes and tubes; plates, sheets and strips, including circles leaf or foil, less than 005 inch in thickness, plain or embossed, with or without backing; wire and cable, twisted or stranded, reinforced with steel or not, aluminium powder .. .. .. .. | Free | 30 p.c. | 30 p.c. |

| Canadian Tariff Item. | Description. | PROPOSED RATES. British Preferential | Intermediate. | General. |
|---|---|---|---|---|
| ex 352<br>ex 362 | Coin locks of which solid brass or bronze are the components of chief value, plain, polished or plated .. .. .. | 15 p.c. | 35 p.c. | 40 p.c. |
| 354 | Manufactures of aluminium, n.o.p. .. .. .. | 15 p.c. | 30 p.c. | 30 p.c. |
| ex 354a | Kitchen or household hollowware of aluminium, n.o.p. .. | 20 p.c. | 30 p.c. | 30 p.c. |
| ex 355<br>ex 356 | Nickel in ingots or blocks, n.o p.; nickel bars and rods, not including bars or rods depolarized or otherwise processed for ues as anodes; and nickel in strips, sheets or plates .. | Free | .. | .. |
| 361 | Gold and silver leaf; Dutch or schlag metal leaf; brocade and bronze powder .. .. .. .. .. | 15 p.c. | 30 p.c. | 30 p.c. |
| 370 | Rollers, copper, adapted for use in calico printing .. .. | Free | 10 p.c. | 10 p.c. |
| 377c | Ingots, cogged ingots, blooms, slabs, billets, n.o.p., of iron or |  | 3 dol. | 3 dol. |
|  | steel, of a class or kind not made in Canada, when imported by manufacturers of forgings for use exclusively in the manufacture of forgings, in their own factories, under regulations prescribed by the Minister per ton | Free | 3 dol. | 3 dol. |
| 378 | Bars and rods, of iron or steel; billets, of iron or steel, weighing less than 60 pounds per lineal yard :— |  |  |  |
|  | (d) Hot rolled, valued at not less than 4 cents per pound, n.o.p. .. .. .. .. .. | Free | 12½ p.c. | 15 p.c. |
| ex 378 | Bars of iron or steel, hot rolled, 5 inches in diameter and larger, when imported by manufacturers of polished shafting for use in their own factories .. .. .. per ton | Free | 7 dol. | 7 dol. |
| ex 378a<br>ex 378c | Sash or casement sections of iron or steel, hot or cold rolled, not punched, drilled nor further manufactured, when imported by manufacturers of metal window frames, for use in their own factories .. .. .. .. per ton | Free | 7 dol. | 7 dol. |
| 380 | Plates of iron or steel, hot or cold rolled :— |  |  |  |
|  | (a) Not more than 66 inches in width, n.o.p. .. per ton | 4·25 dol. | 8 dol. | 8 dol. |
|  | (b) More than 66 inches in width, n.o.p. .. per ton | Free | 6 dol. | 6 dol. |
| 381 | Sheets of iron or steel, hot or cold rolled — |  |  |  |
|  | (a) ·080 inch or less in thickness, n.o.p. .. .. | 7½ p.c. | 20 p c. | 20 p.c. |
| ex 381a | Sheets of iron or steel, hot or cold rolled with silicon content of ·075 per cent. or more, when imported by manufacturers of electrical apparatus, for use in the manufacture of electrical apparatus in their own factories .. .. | Free | 12½ p c. | 12½ p.c. |
| ex 382a | Hoop steel, hot or cold rolled, plain or coated, ·064 inch or less in thickness, not more than three inches in width, when imported by manufacturers of barrels or kegs or by manufacturers of flat hoops for barrels and kegs, for use exclusively in their own factories .. .. .. .. .. | Free | 12½ p.c. | 12½ p.c. |
| ex 382a | Band steel, hot rolled, ·080 inch or less in thickness, n.o.p. .. | 7½ p.c. | 15 p.c. | 15 p.c. |
| ex 382b | Band steel, hot rolled, more than ·080 inch in thickness n.o.p. .. .. .. .. .. per ton | 4 dol. | 8 dol. | 8 dol. |
| ex 382c | Strip steel, cold rolled, or cold drawn, ·080 inch or less in thickness, n.o.p. .. .. .. .. .. | 7½ p.c. | 20 p c. | 20 p.c. |
| 383 | Sheets, plates, hoop, band or strip, of iron or steel :— |  |  |  |
|  | (a) Coated with tin, of a class or kind not made in Canada, n.o.p. .. .. .. .. .. | Free | 15 p.c. | 15 p.c. |
|  | (b) Coated with tin, n.o p. .. .. .. .. | Free | 20 p.c. | 20 p.c. |
|  | (c) Coated with zinc, n.o.p. .. .. .. .. | 7½ p.c. | 20 p.c. | 20 p.c. |
| ex 385 | Sheets, plates, hoop, band or strip, of rust, acid or heat-resistin steels, hot rolled, valued at not less than five cents per pound .. | Free | 20 p.c. | 20 p.c. |
| 386 | Sheets, plates, hoop, band or strip, of iron or steel, as hereunder defined, under regulations prescribed by the Minister :— |  |  |  |
|  | (a) Plates, when imported by manufacturers for use exclusively in the manufacture or repair of the pressure parts of boilers, pulp digesters, steam accumulators and vessels for the refining of oil, in their own factories .. per ton | Free | 5 dol. | 5 dol. |
|  | (m) (i) Sheets of iron or steel, cold rolled, when imported by manufacturers for use exclusively in the manufacture of sheets coated with tin .. .. .. .. | Free | 15 p.c. | 15 p.c. |
|  | (ii) Sheets, hoop, band or strip, of iron or steel, hot rolled, when imported by manufacturers for use exclusively in the manufacture of sheets, hoop, band or strip, coated with zinc other metal or metals, not including tin, in their own factories, on and after September 1, 1931 .. .. | 5 p.c. | 20 p.c. | 20 p.c. |
| ex 387 | Steel grooved (or girder) rails for electric tramway use, weighing not less than 75 pounds per lineal yard, punched, drilled, or not of shapes and lengths not made in Canada .. per ton | Free | 7 dol. | 7 dol. |
| 388 | Iron or steel angles, beams, channels, columns, girders, joists, piling, tees, zees, and other shapes or sections, not punched, drilled, or further manufactured than hot rolled, weighing not less than 35 pounds per lineal yard, n.o.p. .. per ton | Free | 3 dol. | 3 dol. |
| 388b | Iron or steel angles, beams, channels, columns, girders, joists, piling, tees, zees, and other shapes or sections, not punched, drilled or further manufactured than hot rolled n.o.p. .. per ton | 4 dol. | 7 dol. | 7 dol. |
| ex 388 | Iron or steel side or centre sil sections, of all sizes not manufactured in Canada, weighing not less than 35 pounds per lineal yard, not punched, drilled or further manufactured, when imported by manufacturers of railway cars, for use in their own factories .. .. .. per ton | Free | 3 dol. | 3 dol. |

| Canadian Tariff Item. | Description. | Proposed Rates. British Preferential. | Intermediate. | General. |
|---|---|---|---|---|
| ex 392 | Forgings of iron or steel, in any degree of manufacture, hollow, not less than 12 inches in internal diameter .. .. | Free | 30 p.c. | 30 p.c. |
| 393 | Tires, of steel, in the rough, not drilled or machined in any manner, for railway vehicles, including locomotives and tenders.. .. .. .. .. | Frae | 10 p.c. | 10 p.c. |
| 394 | Axles and axle bars, n.o.p.. and axle blanks, and parts thereof, of iron or steel : | | | |
| | (a) For railway vehicles including locomotives and tenders .. | 10 p.c. | 27½ p.c. | 30 p.c. |
| 401 | Wire, of iron or steel : | | | |
| | (a) Barbed fencing. coated or not .. .. .. | Free | 10 p.c. | 10 p.c. |
| | (b) Twisted, braided or stranded, including wire rope or cable coated or not n.o.p... .. .. .. | 15 p.c. | 25 p.c. | 25 p.c. |
| | (c) Drawn flat or cold rolled flat after drawing, coated or not n.o.p., not more than ·25 inch in width and less than ·1875 inch in thickness .. .. .. | 7½ p.c. | 20 p.c. | 20 p.c. |
| | (d) Coated with zinc, or spelter curved or not, in coils, ·144 ·104 or ·092 inch in diameter, with tolerance not to exceed ·004 inch, and not for use in telegraph or telephone lines. | Free | 10 p.c. | 10 p.c. |
| | (e) Coated with zinc or spelter, n.o.p. .. .. .. | 10 p.c | 20 p.c | 20 p.c. |
| | (f) Single or several, covered with any material, including cable so covered, coated n.o.p. .. .. .. | 15 p.c. | 30 p.c | 30 p.c. |
| | (g) N.O.P. .. .. .. .. .. | 15 p.c. | 20 p.c. | 20 p.c. |
| 406 | Coil chain, coil chain links, including repair links, and chain shackles, of iron or steel. | | | |
| | ( ) Less than one and one-eight inches in diameter .. | 15 p.c. | 25 p.c. | 25 p.c. |
| 407a | Chains. of iron or still, n.o.p. .. .. .. .. | 20 p.c. | 35 p.c. | 35 p.c. |
| 408 | Malleable sprocket chain and link belting chain, of iron or steel, including roller chain of all kinds for operating on steel sprockets or gears when imported by manufacturers of agricultural implements for use exclusively in the manufacture of agricultural implements, in their own factories, under regulations prescribed by the Minister .. .. .. .. .. | Free | 10 p.c. | 10 p.c. |
| 409 | Cream separators and complete parts therefor, including steel bowls .. .. .. .. .. | Free | 25 p.c. | 25 p.c. |
| 410l | Ore crushers, rock crushers, stampmills, grinding mills, rock drills, percussion coal cutters, coal augers, rotary coal drills, n.o.p., and complete parts of all the foregoing, for use exclusively in mining metallurgical or quarrying operations .. | 7½ p.c. | 20 p.c. | 25 p.c. |
| ex 410o | Coal cutting machines, n.o.p. .. .. .. | Free | 10 p.c. | 10 p.c. |
| ex 412a | Offset presses; lithographic presses; printing presses and type making accessories therefor, n.o.p .. .. .. | Free | 0 p.c. | 15 p.c. |
| | | Free | 10 p.c. | 15 p.c. |
| 412b | Flat bed cylinder printing presses to print sheets of a size 25 by 38 inches or larger, and complete parts thereof; machines designed to fold or sheet-feed paper or cardboard, and complete parts thereof .. .. .. .. | Free | 10 p.c. | 15 p.c. |
| 414 | Typewriters and complete parts thereof .. .. .. | Free | 25 p.c. | 25 p.c. |
| ex 422a | Trench and ditch excavating machines, round wheel or vertical or ladder boom, chain and bucket type, for digging vertical or sloping bank ditches. .. .. .. .. | Free | 10 p.c. | 15 p.c. |
| ex 427 | Ball and roller bearings .. .. .. .. | 5 p.c. | 27½ p.c. | 35 p.c. |
| ex 427 | Machinery. viz.: Power churns, power milk coolers, power fillers and cappers, power icecream mixers power butter printers, power cream savers, power bottle sterlizers, power brine tanks, power milk bottle washers, power milk can washers; ice-breaking machines, valveless or centrifugal milk pumps, sanitary milk and cream vats; none of the foregoing to include motive power .. .. .. .. | Free | 27½ p.c. | 35 p.c. |
| ex 428a | Engines for motor trucks or motor buses, when of 100 h. p. or more .. .. .. .. .. | Free | 25 p.c. | 27½ p.c. |
| 429 | Cutlery of iron or steel, plated or not: | | | |
| | (b) Table knives and table forks .. .. .. | 15 p.c. | 30 p.c. | 35 p.c. |
| | (c) Penknives, jack-knives, and pocket knives of all kinds .. | Free | 30 p.c. | 30 p.c. |
| | (d) Knives, n.o.p. .. .. .. .. | Free | 30 p.c. | 30 p.c. |
| | (e) Spoons .. .. .. .. | 15 p.c. | 30 p.c. | 35 p.c. |
| | (f) Scissors and shears, n.o.p. .. .. .. | Free | 30 p.c. | 30 p.c. |
| | (g) Razors and razor blades .. .. .. | Free | 30 p.c. | 30 p.c. |
| 431b | Adzes, anvils, vices, cleavers, hatchets, saws, augers, bits, drills, files, rasps, screw-drivers, planes, spokeshaves, chisels, mallets, metal wedges, wrenches, sledges, hammers, crowbars, cantdogs, and track tools, picks, mattocks, and eyes or poles for the same .. .. .. .. | 10 p.c. | 35 p.c. | 35 p.c. |
| ex 438a, ex 438b, ex 438c | Motor vehicles, n.o.p. not including motor buses .. .. | Free | .. | .. |
| ex 438b | Motor cycles or sidecars therefor .. .. .. | Free | 20 p.c. | 30 p.c. |
| 440j | Trawls, trawling spoons, fly hooks, sinkers, swivels, sportsmen's fishing reels, bait and hooks, and fishing tackle, n.o.p .. | Free | 25 p.c. | 30 p.c. |
| ex 441 | Guns and rifles of a class or kind not made in Canada .. | 5 p.c. | 27½ p.c. | 30 p.c. |
| 445c | Electric telegraph or telephone apparatus and complete parts thereof.. .. .. .. .. | Free | 25 p.c. | 30 p.c. |

| Canadian Tariff Item. | Description. | Proposed Rates. British Preferential. | Intermediate. | General. |
|---|---|---|---|---|
| 445d | Electric wireless or radio apparatus and complete parts thereof .. | Free | 25 p.c. | 30 p.c. |
| ex 445e | Electric storage batteries, composed of plates measuring not less than eleven inches by fourteen inches and not less than three-quarters inch in thickness; complete parts thereof .. | Free | 25 p.c. | 27½ p.c. |
| ex 445k | Flame proof electric switch gear, for use under ground in coal mines .. .. .. .. .. | Free | 20 p.c. | 30 p.c. |
| 446 | Electric steam turbo generator sets, 700 h.p. and greater, of a class or kind not made in Canada, and complete parts thereof .. .. .. .. .. | Free | 20 p.c. | 25 p.c. |
| ex 446a | Steel bicycle rims, not enamelled nor plated .. .. | Free | 27½ p.c. | 35 p.c. |
| ex 446a | Golf shafts of seamless. steel, coated or not, but not chromium plated .. .. .. .. .. | 10 p.c. | 35 p.c. | 35 p.c. |
| ex 446a | Bottles or cylinders of seamless steel used as high-pressure containers for gas .. .. .. .. .. | Free | 25 p.c. | 25 p.c. |
| ex 446a | Steel balls not larger than three-eighths inch in diameter, commonly known as "burnishing balls" .. .. .. | Free | 7½ p.c. | 10 p.c. |
| ex 476 | Surgical and dental instruments of any material; surgical needles; X-ray apparatus; microscopes valued at not less than 850 each, by retail; and complete parts of all the foregoing .. .. .. .. .. | Free | 10 p.c. | 10 p.c. |
| 488 | Nitrate and acetate of lead, not ground, platinum and black oxide of copper, for use in the manufacture of chlorates and colours .. .. .. .. .. | Free | 10 p.c. | 10 p.c. |
| 522 | Rovings, yarns and warps wholly of cotton, not more advanced than singles, n. o. p. .. .. ..<br>and per pound .. | 12½ p.c.<br>2 cts. | 15 p.c<br>3½ cts. | 22½ p.c.<br>4 cts. |
| 522c | Rovings, yarns and warps wholly of cotton, including threads, cords and twines generally used for sewing, stitching, packaging and other purposes, n. o. p.; cotton yarns, wholly or partially covered with metallic strip, generally known as ..<br>tinsel thread and per pound .. | 15 p.c.<br>2 cts. | 22½ p.c.<br>3½ cts. | 25 p.c.<br>4 cts |
| 522d | Yarns and warps wholly of cotton, mercerised, number forty and finer, imported by manufacturers to be further manufactured in their own factories .. .. .. .. | Free | 25 p.c. | 25 p.c. |
| ex 522 | Yarns and warps wholly of cotton, number forty and finer, when imported by manufacturers of mercerised cotton yarns, for use exclusively in the manufacture of mercerised cotton<br>Yarns, in their own factories .. .. .. .. | Until Dec. 31, 1933;<br>Free<br>Free | Free<br>Thereafter:<br>15 p.c. | Free<br><br>15 p.c. |
| 523 | Woven fabrics, wholly of cotton, not bleached, mercerised, nor coloured, n. o. p., and cotton seamless bags .. ..<br>and per pound .. | 17½ p.c.<br>2 cts. | 20 p.c.<br>3½ cts. | 25 p.c.<br>4 cts. |
| 523a | Woven fabrics wholly of cotton, bleached or mercerised, not coloured, n. o. p. .. .. .. .. ..<br>and per pound .. | 20 p.c.<br>2 cts. | 22½ p.c.<br>3½ cts. | 27½ p.c.<br>4 cts. |
| 523b | Woven fabrics, wholly of cotton, printed, dyed or coloured n. o. p. .. .. .. .. ..<br>and per pound .. | 22½ p.c.<br>2 cts. | 27½ p.c.<br>3½ cts. | 32½ p.c.<br>4 cts. |
| ex 523<br>ex 523a<br>ex 523b | Woven fabrics wholly of cotton, composed of yarns of counts of 100 or more, including all such fabrics in which the average of the count of warp and weft yarns is 100 or more<br>and per pound .. | Free<br>.. | 27½ p.c.<br>3½ cts. | 32½ p.c.<br>4 cts. |
| 523e | Woven fabrics wholly of cotton with cut pile, n. o. p. ..<br>and per pound .. | 15 p.c.<br>.. | 27½ p.c<br>3½ cts. | 32½ p.c.<br>4 cts. |
| 523f | Woven fabrics of cotton; not coloured, when imported by manufacturers of typewriter ribbon for use exclusively in the manufacture of such ribbon in their own factories .. | Free | 12½ p.c. | 15 p.c. |
| 524 | Seamless cotton duk in circular form, of a class or kind not made in Canada, for use in the manufacture of hose pipe | Free | 10 p.c. | 10 p.c. |
| 528 | White cotton bobinet, plain, in the webb .. .. | Free | 25 p.c. | 25 p.c. |
| 529 | Embroideries, lace, nets, nettings, bobinet, n. o. p., fringes and tassels, wholly of cotton .. .. .. ..<br>and per pound .. | 20 p.c.<br>2 cts. | 27½ p.c.<br>3½ cts. | 30 p.c.<br>4 cts. |
| 532 | Clothing, wearing apparel and articles, made from woven fabrics and all textile manufactures, wholly or partially manufactured composed wholly of cotton, n. o. p.; fabrics wholly of cotton, coated or impregnated, n. o. p. .. .. ..<br>and per pound .. | 25 p.c.<br>2 cts. | 30 p.c.<br>3½ cts. | 35 p.c.<br>4 cts. |
| 537b | Linen thread for hand or machine sewing .. .. | Free | 22½ p.c. | 25 p.c. |
| ex 540<br>ex 540a<br>ex 540b<br>ex 540c | From the four existing linen items marginally named, it is proposed to draft a new linen schedule which will accord to the United Kingdom *free entry* on a very wire range of fabrics and articles, administration of the new legislation to be on the basis suggested by the following tentative proposals:<br>(a) Woven fabrics, in the web, wholly of flax or hemp, not to include towelling and glass cloth of crash or huck, with or without lettering or monograms woven in, nor table cloths and napkins of crash with coloured borders.<br>(b) Articles wholly of flax or hemp, such as sheets, pillow cases, table cloths and napkins, towels and handkerchiefs, but not to include towels or glass cloths of crash or huck, with or without lettering or monograms woven in nor table cloths and napkins of crash with coloured borders. | Free<br>Free<br>Free<br>Free | 25 p.c.<br>30 p.c.<br>30 p.c. & 3½ cts.<br>30 p.c. & 3½ cts. | 27½ p.c.<br>32½ p.c.<br>32½ p.c. & 4 cts.<br>35 p.c. & 4 cts. |

| Canadian Tariff Item. | Description. | Proposed Rates. British Preferential | Proposed Rates. Intermediate. | Proposed Rates. General. |
|---|---|---|---|---|
| 541a | Woven fabrics, wholly of jute n. o. p. .. .. .. | Free | 22½ p. c. | 25 p. c. |
| 551 | Yarns, composed wholly or in part of wool or hair, but not containing silk or artificial silk, n. o p. .. .. | 15 p. c. | 20 p. c. | 22½ p.c. |
| | and per pound .. | 11½ cts. | 20 cts. | 22½ cts. |
| ex 551a | Yarns and warps composed wholly of hair, imported by manufacturers for use in their own factories .. .. | Free | 17½ p. c. | 20 p.c. |
| | and per pound .. | .. | 15 cts. | 17½ cts. |
| 551a | Yarns and warps composed wholly or in part of wool or hair imported by manufacturers for use exclusively in their own factories. n. o. p. .. .. .. .. .. | 10 p.c. | 17½ p.c. | 20 p.c. |
| | and per pound .. | ½ cts. | 15 cts. | 17½ cts. |
| 552 | Felt pressed of all kinds in the web, not consisting of or in combination with any woven, knitted or other fabric or material .. .. .. .. .. | 15 p.c. | 22½ p.c. | 25 p.c. |
| | and per pound .. | 7½ cts. | 17½ cts. | 20 cts |
| 553 | Blankets of any material, not to include automobile rugs steamer rugs or similar articles .. .. .. | 22½ p.c, | 30 p.c. | 35 p.c. |
| | and per pound .. | 10 cts. | 25 cts | 30 cts. |
| 554 | Woven fabrics, composed wholly or in chief part by weight, of yarns of wool or hair, not exceeding in weight six ounces to the square yard, n o. p , when imported in the gray or unfinished condition, for the purpose of being dyed or finished in Canada | 20 p.c, | 25 p-c. | 30 p.c. |
| | and per pound .. | 9½ cts. | 17½ cts. | 20 cts. |
| ex 554 | Woven fabrics, composed wholly or in chief part by weight of yarns of wool or hair, not exceeding in weight four ounces to the square yard when imported in the gray or unfinished condition, for the purpose of being dyed or finished in Canada | Free | 25 p.c. | 30 p.c. |
| | and per pound.. | .. | 17½ cts. | 20 cts. |
| 554a | Woven fabrics, consitting of cotton warps with wefts of lustre wool, mohair or alpaqa, generally known as lustres or Italian linings, n. o. p .. .. .. | Free | 20 p.c. | 25 p.c. |
| 554b | Woven fabrics, composed wholly or in part of yarns of wool or hair, n. o. p. .. ... .. .. .. | 27½ p.c. | 35 p.c. | 40 p.c. |
| | and per pound.. | 18¾ cts. | 30 cts. | 35 cts. |
| ex 554b | Woven fabrics, composed wholly or in part or yarns of wool or hair, weighing not less than eighteen ounces per square yard | 25 p.c. | 35 p.c. | 40 p.c. |
| | and per pound .. | 20 cts. | 30 cts. | 35 cts. |
| ex 554b | Woven fabrics, composed wholly or in part of yarns of wool or hair commonly known as billiard cloth .. .. .. | Free | 35 p.c. | 40 p.c. |
| | and per pound.. | .. | 30 cts. | 35 cts. |
| 555 | Clothing, wearing apparel and articles made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly, or in part of wool or similar animal fibres, but of which the component of chief value is not silk nor artificial silk., n. o. p. fabrics, coated, or impregnated composed wholly or in part of yarns of wool or hair, but not containing silk nor artificial silk, n. o. p. .. .. | 30 p.c. | 40 p.c. | 40 p.c. |
| | and per pound .. | 18¾cts. | 32½cts. | 35 cts. |
| 568a | Socks and stockings of all kinds .. .. .. | 30 p.c | 32½ p-c. | 35 p.c. |
| | and per each one dozen pairs .. .. | 75 cts. | 1·35 dol | 1·50 dol. |
| ex 568b | Women's dress gloves of kid, elbow length .. .. | Free | 35 p. c. | 45 p. c. |
| 572 | Turkish or imitation Turkish or other floor rugs or carpets, and carpets, n. o. p. .. .. .. .. | 30 p. c. | 35 p. c. | 40 p. c. |
| | and per square foot | 5 cts. | 15 cts. | 20 cts. |
| 586 | Coal anthracite, n. o. p. .. .. .. .. | Free | 50 cts. | 50 cts. |
| ex 598 | Brass band instruments, of a class or kind not made in Canada; bagpipes ... ... .. ... ... | Free | 30 p.c. | 35 p.c. |
| 604 | Belting leather in butts or bends; sole leather and all leather further finished than tanned. n. o. p. ... ... .. | 12½ p.c. | 27½ p.c. | 27½ p-c. |
| ex 604 | Genuine pig leathers and genuine Morocco leathers; so-called roller leathers .. ... .. .. .. | Free | 27½ p c. | 27½ p.c. |
| 605 | Leather produced from East India tanned kip, uncoloured or coloured other than black, when imported for use exclusively in lining boots and shoes; genuine reptile leathers ... | Free | 15 p.c. | 15 p.c. |
| 607a | Leather not further finished than tanned, in whole hides, in grains or splits, when imported by manufacturers of upholstering leathers, for use exclusively in the manufacture of upholstering leathers in their own factories .. .. | Free | 15 p.c. | 15 p c. |
| | Provided that the Governor in Council may, when satisfied that the leather specified in this item is being produced in Canada in quantity and quality sufficient for Canadian requirements, by Order-in-Council direct that this tariff item be repealed | | | |
| ax 610 | Belting of camel's hair, for machinery .. ... .. | 15 p.c. | 27½ p-c. | 27½ p.c. |
| 614 | India-rubber boots and shoes . ... .. .. | Free | 22½ p-c. | 25 p.c. |
| 625 | Caps, hats, muffs, tippets, capes, coats and cloaks of fur, and other manufactures of fur, n. o. p. ... ... .. | 15 p.c. | 30 p.c | 35 p.c, |
| | | Free | 7½ p c | 10 p.c. |
| 663 | Fertilizers, compounded or manufactured, n. o. p. ... .. | Free | 10 p.c. | 15 p.c. |
| 684 | Rubber thread, not covered .. .. .. .. | Free | 25 p.c. | 25 p.c. |
| ex 711 | Barytes ... .. .. ... .. | Free | 25 p.c. | 25 p.c. |
| ex 711 | Charcoal, animal, for use in the refining of sugar ... .. | Free | 25 p c. | 25 p.c, |
| ex 711 | Mineral wool .. .. .. .. | | | |

| Canadian Tariff Item. | Description. | Proposed Rates. | | |
|---|---|---|---|---|
| | | British Preferential. | Intermediate. | General. |
| ex 711 | A new item (not finally drafted) to provide that *all chemicals and drugs* which were dutiable, at the date of the Conference, under item 711 at .. .. .. .. | 15 p.c. | 25 p.c. | 25 p.c. |
| | shall be in future, when of a kind not produced in Canada, dutiable at .. .. .. .. .. | Free | 25 p.c. | 25 p.c. |
| 728 | Hyposulphite of soda when imported by tanners for use in their own factories in the tanning of leather .. .. | Free | 10 p.c. | 10 p.c. |
| 783 | Gasoline and steam engines, transmission assemblies and parts therof, megnetos, starting motors, electric generators, propeller shafts, steel chassis frames, brakes, clutches, brake and clutch controls, steel road wheels, steel rims for pneumatic tyers, larger than thirty inches by five inches, steering gears, and front and rear axles, all of a class or kinds not made in Canada, when imported by manufacturers of motor trucks (not for railways or tramways) for carrying goods only, for use only in the manufacture of such motor trucks .. | Free | 17½ p.c. | 20 p.c. |
| | Cocoanut oil, not edible, when imported for use in the manufacture of refined cocoanut oil .. .. .. | Free | 10 p.c. | 10 p.c. |

## SCHEDULE F.

| Canadian Tariff Item. | Commodity. | Margin of Preference over Intermediate Tariff. |
|---|---|---|
| 39 A | Sago and topioca flour .. .. .. .. | ½ c. per lb. |
| ex 77 | Vanilla beans .. .. .. .. .. | 10 per cent. *ad valorem.* |
| 87 *n* | Tomatoes .. .. .. .. .. .. | 2 c per lb throughout the year. |
| 143 | Cigars .. .. .. .. .. .. | 50 c. per lb. |
| ex 254 | Gums, *viz.*, Arabic, copal, damar, gum chicle or sappato gum, crude .. .. .. .. .. .. | 10 per cent. *ad valorem.* |
| 264 | Essential oils n.o.p., including bay oil, otto of limes and peppermint oil .. .. .. .. .. .. | 7½ per cent. *ad valorem.* |
| 267 B As revised | Crude petroleum not in its natural state, ·7250 specific gravity or heavier at 60° temperature when imported by oil refiners to be refined in their own factories .. | 1 c. per gallon. |
| 277 | Palm and palm kernel oil unbleached or bleached, non-edible; shea butter .. .. .. .. .. | 10 per cent. *ad valorem.* |
| 278 | Oils, *viz.*; coconanut, palm and palm kernel, not edible, for manufacturing soap; carbolic or heavy oil; olive oil for manufacturing soap or tobacco, or for canning fish .. .. | 10 per cent. *ad valorem.* |
| ex 584 | Asphalt or asphaltum, solid .. .. .. .. | 10 per cent *ad valorem.* |
| ex 616 | Gutta percha .. .. .. .. .. | 10 per cent. *ad valorem.* |
| 616 *a* | Balata, crude, unmanufactured .. .. .. | 10 per cent. *ad valorem.* |
| 785 | Cocoanut oil, not edible, when imported for use in the manufacture of refined cocoanut oil .. .. .. | 10 per cent. *ad valorem.* |

In Item 06 (*b*), Fruits prepared.........pineapples, British Preferential rate to be reduced to 1 cent. per lb. subject to the agreement of His Majesty's Government in the Commonwealth of Australia.

## PART II.

### UNITED KINGDOM-AUSTRALIAN AGREEMENT.

WE, the representatives of His Majesty's Government in the United Kingdom and of His Majesty's Government in the Commonwealth of Australia, hereby agree with one another, on behalf of our respective Governments, as follows :—

*Article 1.*

His Majesty's Government in the United Kingdom undertake that orders shall be made in accordance with the provisions of section 4 of the Import Duties Act, 1932, which will ensure the continuance after the 15th November, 1932, of entry free of duty into the United Kingdom of Australian goods which comply with the laws and statutory regulations for the time being in force affecting the grant of Imperial preference and which by virtue of that Act are now free of duty, subject, however, to the reservations set forth in Schedule A appended hereto.

*Article 2.*

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule B appended hereto, the duties of Customs shown in that Schedule in place of the duties (if any) now leviable.

*Article 3.*

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to secure to Australian goods of the kinds specified in Schedule C appended hereto which comply with the law and statutory regulations for the time being in force affecting the grant of Imperial preference, the margins of preference specified therein over similar foreign goods.

*Article 4.*

His Majesty's Government in the United Kingdom undertake that the general *ad valorem* duty of 10 per cent. imposed by section 1 of the Import Duties Act, 1932, on the foreign goods specified in Schedule D shall not be reduced except with the consent of His Majesty's Government in the Commonwealth of Australia.

*Article 5.*

The duties provided in this agreement on foreign wheat in grain, copper, lead and zinc on importation into the United Kingdom are conditional in each case on Empire producers of wheat in grain, copper, lead and zinc respectively, continuing to offer those commodities on first sale in the United Kingdom at prices not exceeding the world price.

*Article 6.*

His Majesty's Government in the United Kingdom and His Majesty's Government in the Commonwealth of Australia agree that arrangements shall be made for the regulation of imports of frozen mutton and lamb and frozen and chilled beef into the United Kingdom in accordance with the declaration by His Majesty's Government in the United Kingdom which is appended as Schedule H.

*Article 7.*

His Majesty's Government in the United Kingdom will invite the Governmentse of the non-self governing colonies and protectorates to accord to Australia any preferenc, which may for the time being be accorded to any other part of the British Empire provided that this Article shall not extend to any preferences accorded by Northern Rhodesia to the Union of South Africa, Southern Rhodesia and the Territories of the South African High Commission by virtue of the Customs Agreement of 1930, and further will invite the Governments of the colonies and protectorates shown in Schedule E to accord to Australia new or additional preferences on the commodities and at the rates shown therein.

*Article 8.*

His Majesty's Government in the Commonwealth of Australia will invite Parliament to pass the legislation making the tariff changes necessary to give effect to the preference formula set forth in Part I of Schedule F appended hereto, subject to the exceptions indicated in Part II of that schedule, and further undertake that existing preferential margin which exceed those laid down in this formula shall be maintained subject, however, to the right of His Majesty's Government in the Commonwealth of Australia to reduce the existing margins of preference in the case of goods of the kinds specified in Part III of that schedule to an extent not exceeding the amounts shown therein.

*Article 9.*

His Majesty's Government in the Commonwealth of Australia undertake that protection by tariffs shall be afforded only to those industries which are reasonably assured of sound opportunities for success.

*Article 10.*

His Majesty's Government in the Commonwealth of Australia undertake that during the currency of this Agreement the tariff shall be based on the principle that protective duties shall not exceed such a level as will give United Kingdom producers full opportunity of reasonable competition on the basis of the relative cost of economical and efficient production, provided that in the application of such principle special consideration may be given to the case of industries not fully established.

*Article 11.*

His Majesty's Government in the Commonwealth of Australia undertake that a reveiw shall be made as soon as practicable by the Australian Tariff Board of existing protective duties in accordance with the principles laid down in Article 10 hereof, and that after the receipt of the report and recommendation of the Tariff Board the Commonwealth Parliament shall be invited to vary, wherever necessary, the tariff on goods of United Kingdom origin in such manner as to give effect to such principles.

*Article 12.*

His Majesty's Government in the Commonwealth of Australia undertake that no new protective duty shall be imposed and no existing duty shall be increased on United Kingdom goods to an amount in excess of the recommendation of the Tariff Tribunal.

*Article 13.*

His Majesty's Government in the Commonwealth of Australia undertake that United Kingdom producers shall be entitled to full rights of audience before the Tariff Board when it has under consideration matters arising under Articles 11 and 12 hereof.

*Article 14.*

His Majesty's Government in the Commonwealth of Australia undertake in so far as concerns goods the produce or manufacture of the United Kingdom—

(*a*) to repeal as soon as practicable the Proclamation published in Commonwealth Gazette No. 46 of the 19th May, 1932, prohibiting the importation of certain goods;

(*b*) to remove as soon as practicable the surcharges imposed by resolution introduced into the Parliament of Australia on the 24th May, 1932; and

(*c*) to reduce or remove primage duty as soon as the finances of Australia will allow.

*Article 15.*

His Majesty's Government in the Commonwealth of Australia undertake to accord to the non-self-governing colonies and protectorates and the mandated territories of Tanganyika, the Cameroons under British mandate, and Togoland under British mandate, preferences on the commodities and at the rates shown in Schedule G, and also any preferences for the time being accorded to the United Kingdom if His Majesty's Government in the United Kingdom so request.

Provided that His Majesty's Government in the Commonwealth of Australia shall not be bound to accord any preferences to any colony or protectorate which, not being precluded by international obligations from according preferences, either (*i*) accords to Australia no preferences, or (*ii*) accords to some other part of the Empire (in the case of Northern Rhodesia, excepting the Union of South Africa, Southern Rhodesia, and the Territories of the South African High Commission) preferences not accorded to Australia.

*Article 16.*

This Agreement between His Majesty's Government in the United Kingdom and His Majesty's Government in the Commonwealth of Australia is to be regarded as coming into effect as from the date hereof (subject to the necessary legislative or other action being taken as soon as may be practicable hereafter). It shall remain in force for a period of five years, and if not denounced six months before the end of that period shall continue in force thereafter until a date six months after notice of denunciation has been given by either party.

In the event of circumstances arising which, in the judgment of His Majesty's Government in the United Kingdom or of His Majesty's Government in the Commonwealth of Australia, as the case may be, necessitate a variation in the terms of the Agreement, the proposal to vary those terms shall form the subject of consultation between the two Governments.

Signed on behalf of His Majesty's Government in the United Kingdom:

STANLEY BALDWIN.

Signed on behalf of His Majesty's Government in the Commonwealth of Australia:

S. M. BRUCE.

(Initialled) R. B. H.

August 20, 1932.

SCHEDULE A.

As regards eggs, poultry, butter, cheese and other milk products, free entry for produce of Australia will be continued for three years certain. His Majesty's Government in the United Kingdom, however, reserve to themselves the right after the expiration of the three years, if they consider it necessary in the interests of the United Kingdom producer to do so, to review the basis of preference, so far as relates to the articles enumerated, and after notifying His Majesty's Government in the Commonwealth of Australia either to impose a preferential duty on produce of Australia whilst maintaining existing preferential margins, or in consultation with the Commonwealth Government to bring such produce within any system which may be put into operation for the quantitative regulation of supplies from all sources in the United Kingdom market.

## SCHEDULE B.

| | |
|---|---|
| Wheat, in grain .. .. .. | 2s. per quarter. |
| Butter .. .. .. | 15s. per cwt. |
| Cheese .. .. .. | 15 per cent. *ad valorem*. |
| Apples, raw (excluding apples consigned direct to a registered cider manufacturer for use in making cider). | 4s. 6d. per cwt. |
| Pears, raw .. .. .. | 4s. 6d. per cwt. |
| Apples, canned .. .. .. | 3s. 6d. per cwt. in addition to the duty in respect of sugar content. |
| Other canned fruits.. .. .. | 15 per cent. *ad valorem* in addition to the duty in respect of sugar content. |
| Dried fruits, now dutiable at 7s. .. | 10s. 6d. per cwt. |
| Eggs, in shell— | |
| (a) Not exceeding 14 lbs. in weight per great hundred. | 1s. per great hundred. |
| (b) Over 14 lbs. but not exceeding 17 lbs. | 1s. 6d. per great hundred. |
| (c) Over 17 lbs. .. .. | 1s. 9d. per great hundred. |
| Condensed milk, whole, sweetened .. | 5s. per cwt. in addition to the duty in respect of sugar content. |
| Condensed milk, whole, not sweetened .. | 6s. per cwt. |
| Milk powder and other preserved milk, not sweetened. | 6s. per cwt. |
| Honey .. .. .. | 7s. per cwt. |
| Copper, unwrought, whether refined or not, in ingots, bars, blocks, slabs, cakes and rods. | 2d. per lb. |
| Oranges, raw .. .. .. | 3s. 6d. per cwt. from April 1 to November 30. |
| Grape fruit, raw .. .. .. | 5s. per cwt. from April 1 to November 30. |
| Grapes (other than hot-house) .. | $1\frac{1}{2}$d. per lb. from February 1 to June 30. |

## SCHEDULE C.

| | Margin of Preference. |
|---|---|
| Wine, not exceeding 27 degrees of proof spirit | 2s. per gallon. |

## SCHEDULE D.

| | |
|---|---|
| Leather. | Dressed poultry. |
| Tallow. | Casein. |
| Canned meat. | Eucalyptus oil. |
| Zinc. | Meat extracts and essences. |
| Lead. | Copra. |
| Barley. | Sugar of milk. |
| Wheat flour. | Sausage casings. |
| Macaroni. | Wattle bark. |
| Dried peas. | Asbestos. |
| | Dried fruits, other than currants, not specified in Schedule B. |

## SCHEDULE E.

| | Margin of Preference. |
|---|---|
| (1) The Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Jamaica, the Leeward Islands, Trinidad and Tobago, the Windward Islands— | |
| Butter .. .. .. | $1\frac{1}{2}$d. per lb. |

(2) The Bahamas—

| | |
|---|---|
| Brandy .. .. | A specific preference equal to the specific preference for the time being accorded to whisky produced within the Empire. |
| Wine .. .. | 15 per cent. *ad valorem.* |

(3) Barbados, British Guiana, Trinidad—

Brandy—

| | |
|---|---|
| Not exceeding the strength of proof .. | 5*s*. per gallon. |
| Exceeding the strength of proof .. | 5*s*. per proof gallon. |

(4) Barbados, Jamaica and Trinidad—

| | |
|---|---|
| Condensed and powdered milk .. | 10 per cent. *ad valorem* (or the equivalent specific rate). |

(5) Bermuda—

| | |
|---|---|
| Canned meat .. .. | 15 per cent. *ad valorem.* |
| Canned fruit and canned vegetables .. | 15 per cent. *ad valorem.* |

(6) British Guiana and Trinidad—

| | Margin of Preference. |
|---|---|
| Wines— | |
| Sparkling .. .. | 5*s*. per gallon. |
| Other, in bottle .. | 2*s*. per gallon. |
| Other, in wood .. | 1*s*. 6*d*. per gallon. |

(7) Jamaica—

| | |
|---|---|
| Biscuits, unsweetened— | |
| In bulk .. .. | 2*s*. 1*d*. per 100 lb. |
| Otherwise packed .. | 1*d*. per lb. |
| Canned meat .. .. | 15 per cent. *ad valorem.* |
| Fruit, dried .. .. | 15 per cent. *ad valorem.* |
| Jams, jellies and preserved fruit .. | 15 per cent. *ad valorem.* |

(8) Ceylon—

| | |
|---|---|
| Bacon and ham .. .. | 10 per cent. *ad valorem.* |
| Biscuits .. .. | 10 per cent. *ad valorem* |
| Brandy .. .. | Rs. 3·50 per gallon. |
| Canned fruit and canned vegetables .. | 15 per cent. *ad valorem.* |
| Cheese .. .. | 10 per cent. *ad valorem.* |
| Fruit, fresh .. .. | 10 per cent. *ad valorem.* |
| Milk, condensed and powdered .. | 10 per cent. *ad valorem.* |
| Wines— | |
| Sparkling .. .. | Rs. 1·50 per gallon. |
| Other .. .. | Re. 1 per gallon. |

(9) Cyprus—

| | |
|---|---|
| Butter, cheese and timber .. | One-third of the duty, in lieu of one-sixth |

(10) The Federated and Unfederated Malay States—

| Commodity. | Margin of Preference. |
|---|---|
| | (In the case of articles at present free of duty, so soon as it is possible to institute duties thereon.) |
| Brandy .. .. | \$2·50 per gallon or proof gallon (according as the duty is assessed per gallon or proof gallon). |
| Butter, frozen and tinned .. | 4 c. per lb. |
| Canned fruit and canned vegetables .. | 15 per cent. *ad valorem.* |
| Confectionery .. .. | 10 per cent. *ad valorem.* |
| Milk, condensed and powdered .. | 10 per cent. *ad valorem.* |
| Wines— | |
| Sparkling .. .. | \$1 per gallon. |
| Other .. .. | 60 c. per gallon. |

(11) Hong Kong—

| | |
|---|---|
| Brandy .. .. .. | A margin of preference to be determined later. |

(12) Malta—

| | |
|---|---|
| Biscuits .. .. .. | 10 per cent. *ad valorem.* |
| Brandy .. .. .. | 1*s.* per litre. |
| Flour .. .. .. | 2*s.* per 100 kilograms. |
| Milk, condensed and powdered .. | 10 per cent. *ad valorem.* |

(13) Mauritius—

| | |
|---|---|
| Bacon and ham .. .. | 5 rupees per 100 kilograms. |
| Cheese .. .. .. | 10 per cent. *ad valorem.* |

(14) Straits Settlements—

| | |
|---|---|
| Brandy .. .. .. | $2·50 per gallon, or proof gallon (according as the duty is assessed per gallon or proof gallon). |
| Wines— | |
| Sparkling .. .. .. | $1 per gallon. |
| Other .. .. .. | 60 cents per gallon. |

## SCHEDULE F.

### PART I.

Subject to the exceptions enumerated in Part II, goods produced or manufactured in the United Kingdom and imported into the Commonwealth of Australia shall, on compliance with the regulations for the time being in force governing the entry of goods at preferential rates of duty, enjoy preferences in accordance with the following formula :—

(*a*) When goods the produce or manufacture of the United Kingdom are free of duty, or are liable to duties of customs not exceeding 19 per cent. *ad valorem*, the difference between the British preferential tariff rate and the rate upon similar goods from the most favoured foreign country shall be at least 15 per cent. *ad valorem.*

(*b*) When goods the produce or manufacture of the United Kingdom are liable to duties of customs exceeding 19 per cent. *ad valorem*, and not exceeding 29 per cent. *ad valorem*, the difference between the British preferential tariff rate and the rate upon similar goods from the most favoured foreign country shall be at least 17½ per cent. *ad valorem.*

(*c*) When goods the produce or manufacture of the United Kingdom are liable to duties of customs exceeding 29 per cent. *ad valorem*, the difference between the British preferential tariff rate and the rate upon similar goods from the most favoured foreign country shall be at least 20 per cent. *ad valorem*, provided that in no case shall this margin be applied so as to result in a rate of duty exceeding 75 per cent. *ad valorem.*

---

### PART II.

1. The formula prescribed in Part I shall not apply in the case of goods of a class or kind not commercially produced or manufactured in the United Kingdom.

2. The formula prescribed in Part I shall not apply in the case of particular goods in respect of which it may be agreed that its application is unnecessary.

3. The formula prescribed in Part I shall not apply in the case of the following goods, it being understood that the existing preference shall be maintained except where otherwise indicated in the last column of the list :—

| Tariff Item. | Goods. | Minimum Margin of Preference to be Accorded. |
|---|---|---|
| ex 105 (E) (1) | Velvets, velveteens, plushes, sealette and cloths imitating furs, astrachans, italians containing wool. | |
| 105 K | Piece-goods of a class or kind not produced in Australia which would otherwise be dutiable at a higher rate than that payable under this sub-item imported for use in the manufacture of neck-ties as prescribed by departmental by-laws—<br>(1) Silk or in chief part by weight silk ; wool or in chief part by weight wool ; and admixtures of wool and silk.<br>(2) Other. | |

| Tariff Item. | Goods. | Minimum Margin of Preference to be Accorded. |
|---|---|---|
| 109 | Artificial flowers, fruits, plants, leaves and grains, of all kinds and materials. | .. |
| 123 (B) | Waste, engine cleaning. | .. |
| 123 (C) | Waste, axle. | .. |
| 136 (G) | High-grade carbon steels and alloy steels containing manganese, silicon, nickel, chromium, tungsten, titanium, vanadium molybdenum, cobalt or other alloying elements, introduced to impart special qualities to the steel, *viz.* : ingots, billets, bars, die and tool blocks and blanks, also tapered or bevelled bars and other special shapes, as prescribed by departmental by-laws. | .. |
| 152 (A) | Iron and steel tubes or pipes (except riveted, cast, close-jointed or cycle tubes or pipes, and welded conduit pipes and tubes), not more than 3 inches internal diameter ; iron and steel boiler tubes. | 12½ per cent. *ad valorem* when admitted free of duty from the United Kingdom. |
| ex 169 (A) | Linotype, monotype, and other type-composing machines except monoline ; typewriters (including covers ; machinery used exclusively for and in the actual process of electrotyping and stereotyping ; aluminium rotary graining machines ; adding and computing machines and all attachments. | 20 per cent. *ad valorem.* |
| ex 169 (C) | Printing machines and presses, n.e.i., including the following machines and presses, *viz.* : newspaper printing machines known as "Duplex Tubular" printing from cylindrical stereo plates, as distinct from semi-cylindrical sterio plates ; combined tag-making and printing machines ; proof presses using rolled paper ; roll-fed combined wrapper printing and addressing machines ; combined printing and cartoncutting machines. | 20 per cent. *ad valorem.* |
| 177 (B) (2) | Traction engines, as prescribed by departmental by-laws. | 12½ per cent. *ad valorem.* (This preference is granted only in respect of types which are competitive with those manufactured in foreign countries.) |
| 242 | Glass, *viz.* :—<br>(*a*) Polished and patent plate not exceeding 25 square feet.<br>(*b*) Polished and patent plate n.e.i. | |
| 285 | Medicines :—<br>(*a*) Pharmaceutical preparations ; patent and proprietary medicines and drugs, and other medicinal preparations ; medicinal extracts ; essences ; juices ; infusions ; solutions ; emulsions ; confections ; syrups ; pills ; pilules ; tabloids ; soloids ; ovoids ; tablets ; capsules ; cachets ; suppositories ; pessaries. n.e.i. ; poultices ; salves ; cerates ; ointments ; liniments ; lotions; pastes and the like , medicinal waters and compounded medicinal oils, medicines for animals.<br>With an additional duty, if spirituous, as follows :—<br>If containing not more than 20 per cent. proof spirit.<br>And for every additional 20 per cent. or fraction thereof of proof spirit. | |
| 334 (H) | True vegetable parchment—in sizes not less than 8 inches by 38 inches (or its equivalent). | |
| 334 (V) | Cards, playing, in sheet or cut .. .. .. .. | 3*s.* per dozen packs. |
| 380 (B) | Vacuum cleaners for use in the household .. .. .. | 20 per cent. *ad valorem.* |
| 397 (E) | Explosives, n.e.i. .. .. .. .. .. | |
| 105 (D) (2) | Piece goods, *viz.* : silk, or containing silk or having silk worked thereon, except piece goods enumerated in clauses (*b*) and (*c*) of paragraph (1) of sub-item (A), in paragraph (1) of sub-item (D), and in sub-items (AA) and (F) .. .. .. .. | 2½ per cent. *ad valorem.* |
| 105 (E) | Piece goods, *viz.* ; lac for attire; lace flouncings ; millinery and dress nets; veilings ; embroideries in the piece, tucked linens or cottons .. | 5 per cent. *ad valorem.* |
| 106 (B) | Trimmings and ornaments, n.e.i., for hats, shoes and other attire, not being partly or wholly of gold or silver , braids, n.e.i.; fringes, n.e.i.; frillings ; rufflings, pleatings; ruchings, galloons, n.e.i., ribbons n.e.i., tinselled beltings; n.e.i., webbings n.e.i., belting for apparel not elsewhere specified, and not being cut to lengths for belts .. .. .. .. .. | 5 per cent. *ad valorem.* |
| 107 (B) | Ribbons and gallons having not more than 48 ribs to the lineal inch and being not more than 3½ inches in width .. .. | 5 per cent. *ad valorem.* |
| 113 (B) | Gloves (except of rubber) *viz.*, n.e.i., including mittens .. | 5 per cent. *ad valorem.* |
| 197 (B) | Cutlery, spoons, and forks n.e.i , and knife sharpeners .. .. | 5 per cent. *ad valorem.* |
| 206 (B) | Lamps of glass or cheifly of glass or with glass fronts ; glass parts of lamps or lanterns, other than chimneys .. .. .. | 5 per cent. *ad valorem.* |
| 250 (B) | Bottles, decanters, flasks and jars, over 8 drums fluid capacity, of cut glass empty or containing goods not subject to *ad valorem* duty .. .. .. .. .. .. | 5 per cent. *ad valorem.* |

| Tariff Item. | Goods. | Minimum Margin of Preference to be Accorded. |
|---|---|---|
| 250 (C) | Glassware, n.e.i. .. .. .. .. | 5 per cent. *ad valorem* |
| 250 (F) | Glassware, other than cut glass and heat-resisting glassware for cooking purposes, *viz.*, dishes, tumblers, salads, bowls, nappies, jugs candalesticks butters battery jars or cells, vases, trays comports, flower-blocks, mugs, sundaes .. .. .. .. | 5 per cent. *ad valorem*. |
| 309 (B) | Fancy goods *viz.*: card cases, hatpins, match-boxes, serviette rings and clips, sovereign purse, n.e.i., button hooks, glove stretchers, shoe horns and lifts, thimbles, ivory and other ornamental figures, feather dusters, drilled heads strung with or without clasps, and drilled beads unstrung, except those made of pearls, cultured pearls, precious stones or precious metals .. .. .. | 5 per cent. *ad valorem*. |
| 309 (C) | Fancy goods, *viz.*: articles for personal wear, not including articles partly or wholly of gold, silver or other precious metal or immitations thereof, or partly or wholly of pearls or precious stones or immitations thereof, *viz.*; brooches, bangles, necklets, n.e.i., studs sleeves links and tie clips .. .. .. | 5 per cent. *ad valorem*. |
| 309 (D) | Fancy goods, n.e.i. .. .. .. .. .. | 5 per cent. *ad valorem*. |

## SCHEDULE G.

| Commodities. | Margin of Preference. |
|---|---|
| Asphalt, bitumen and natural pitch .. | 10 per cent. *ad valorem*. |
| Dry gums, *viz.* :— | 15 per cent. *ad valorem*. |
| Balata. | |
| Gum arabic. | |
| Gum copal. | |
| Gum damar. | |
| Gutta percha. | |
| Jelutong. | |
| Sticklac and seed lac. | |
| Essential oils, *viz.* :— | 15 per cent. *ad valorem*. |
| Bay leaf. | |
| Cinnamon. | |
| Cinnamon leaf. | |
| Citronella. | |
| Clove. | |
| Geranium. | |
| Lemon grass. | |
| Lime. | |
| Orange. | |
| Patchouli. | |
| Pimento. | |
| Bananas .. .. .. | 40,000 centals per annum from Fijji will be admitted in reasonably equal monthly quantities at 2*s.* 6*d.* per cental provided the goods are entered at the ports of Sydney and Melbourne. |
| Cocoa, raw .. .. .. | ½*d.* per lb. |
| Fruit juices .. .. .. | 3*d.* per gallon. |
| Fruits (preserved in liquid, or partly preserved, or pulped)— | |
| (*a*) Quarter-pints and smaller sizes .. | 6*d.* per dozen. |
| (*b*) Half-pints and over quarter-pints .. | 1*s.* per dozen. |
| (*c*) Pints and over half-pints .. | 2*s.* per dozen. |
| (*d*) Quarts and over pints .. .. | 4*s.* per dozen. |
| (*e*) Exceeding a quart .. .. | 1*s.* 8*d.* per gallon. |
| Cocoanuts, whole .. .. .. | 1*s.* per cwt. |
| Plumbago and graphite .. .. | 15 per cent. *ad valorem*. |
| Sago and tapioca .. .. .. | 15 per cent. *ad valrem*. |

| | |
|---|---|
| Spirits, *viz.* :— | |
| Bitters. | |
| (1) When not exceeding the strength of proof. .. .. | 5s. per gallon. |
| (2) When exceeding the strength of proof | 5s. per proof gallon. |
| Rum— | |
| (1) When not exceeding the strength of proof. | 5s. per gallon. |
| (2) When exceeding the strength of proof | 5s. per proof gallon. |
| Sponges .. .. .. | 15 per cent. *ad valorem.* |
| Timber, *viz.* :— | |
| Logs, not swan when not for use in the manufacture of plywood and veneers. | 20 per cent. *ad valorem.* |
| Tobacco, unmanufactured, entered to be locally manufactured into cigars. | 6d. per lb. |
| Tobacco, manufactured .. .. | 1s. per lb. |
| Cigars .. .. .. .. | 2s. per lb. |
| Unground spices, *viz.* :— | per cent. *ad valorem.* |
| Arecanuts. | |
| Cardamons. | |
| Chillies. | |
| Cinnamon. | |
| Cloves. | |
| Ginger. | |
| Mace. | |
| Nutmegs. | |
| Pepper. | |
| Pinmento. | |
| Vanilla. | |

SCHEDULE H.

DECLARATION BY UNITED KINGDOM GOVERNMENT.

1. The present wholesale prices of frozen meat are at a level which has resulted in grave depression in the livestock industries of the United Kingdom and the Dominions. This depression is likely, if continued, to bring about a serious decline in production and consequent ultimate injury to the consumer.

2. Such a position is so serious that it is essential to take whatever steps may appear feasible to raise the wholesale prices of frozen meat in the United Kingdom market to such a level as will maintain efficient production.

3. With a view to the earliest possible improvement of the position, His Majesty's Government in the United Kingdom will, during the currency of the Ottawa Agreement, arrange for the regulation of importations of meat into the United Kingdom, the regulation, in view of the close inter-relationship of all kinds of meat in determining the price level, to be applied to all the meats referred to in Section 5.

4. The policy of His Majesty's Government in the United Kingdom in relation to meat production is, first, to secure development of home production, and, secondly, to give to the Dominions an expending share of imports into the United Kingdom.

5. In order to co-operate with His Majesty's Government in the United Kingdom in the carrying out of this policy, His Majesty's Government in the Commonwealth of Australia agrees to limit the export of frozen mutton and lamb to the United Kingdom for the year 1933 to an amount equivalent to the total imports from Australia during the year ended the 30th June 1932, in consideration of the United Kingdom Government—

(*a*) Arranging for the regulation of the importation of foreign meat in accordance with a programme (hereinafter referred to as the "agreed programme") agreed between His Majesty's Government in the United Kingdom and His Majesty's Government in the Commonwealth of Australia and including within its scope frozen mutton and lamb, frozon beef and chilled beef.

(b) Arranging, as soon as possible after receiving the Report of the Commission now sitting on the reorganisation of the pig industry in the United Kingdom, for the quantitative regulation of the supplies of bacon and hams coming on to the United Kingdom market.

(c) Undertaking that no restriction will be placed upon the importation of any meat from Australia during the period named in the agreed programme referred to in Section 5 (a) of this Declaration.

6. During the year 1933 and in the light of the experience gained, His Majesty's Government in the United Kingdom will consider, in consultation with His Majesty's Government in the Commonwealth of Australia, the best means of ensuring an improved price situation and the more orderly marketing of supplies.

7. Should no permanent policy be agreed upon as the result of the consultation referred to above, His Majesty's Government in the United Kingdom undertakes, after the expiry of the period named in the agreed programme referred to in Section 5 (a) of this Declaration and during the remainder of the period of the Agreement concluded at Ottawa—

(a) To arrange for the continuance, unless otherwise agreed between the Governments concerned, of the regulation of the imports of foreign meat at the rates in force at the end of the period named in the agreed programme.

(b) In any action affecting the imports of meat into the United Kingdom which the United Kingdom Government may take on behalf of United Kingdom agriculture, to have regard to the policy set out in Section 4 hereof.

8. Should it appear to His Majesty's Government in the United Kingdom after enquiry that, at any time in consequence of a restriction upon foreign imports, the supplies of meat of any kind are inadequate to meet the requirements of consumers in the United Kingdom, then His Majesty's Government may remove any such restriction until supplies are again adequate.

*The Agreed Programme referred to in Section 5 (a) of the Declaration by United Kingdom Government.*

Statement showing the maximum quantities of foreign meat to be allowed to be imported into the United Kingdom during each quarter of the period the 1st January, 1933, to the 30th June, 1934, expressed as percentages of the quantities imported in the corresponding quarters of the twelve months ended the 30th June, 1932.

| Meat. | 1933 | | | | 1934. | |
|---|---|---|---|---|---|---|
| | Jan.—March. | April—June. | July—Sept. | Oct.—Dec. | Jan.—March. | April—June. |
| Frozen mutton and lamb .. | 90 | 85 | 80 | 75 | 70 | 65 |
| Frozen beef (carcasses and boned beef) .. | 90 | 85 | 80 | 75 | 70 | 65 |
| Chilled beef .. .. .. | 100 | 100 | 100 | 100 | 100 | 106 |

*N. B.*—His Majesty's Government in the Commonwealth of Australia, recognising the inter-relation of all meat products, and that the object of the above regulation of imports into the United Kingdom is to raise the price level of frozen meat undertakes to use its best endeavours to ensure that during the year 1933 the exports of frozen beef from Australia to the United Kingdom shall not be increased to an extent exceeding 10 per cent. of the quantities exported for the year ending the 30th June, 1932.

## PART III.

### UNITED KINGDOM—NEW ZEALAND AGREEMENT.

We, the repesentatives of His Majesty's Government in the United Kingdom and of His Majesty's Government in New Zealand, hereby agree with one another, on behalf of our respective Governments as follows :—

*Article 1.*

His Majesty's Government in the United Kingdom undertake that Orders shall be made in accordance with the provisions of section 4 of the Import Duties Act, 1932, which will ensure the continuance after the 15th November, 1932, of entry free of duty into the United Kingdom of New Zealand goods and the goods of the mandated territory of Western Smoa which comply with the laws and statutory regulations for the time

being in force affecting the grant of Imperial preference, and which by virtue of that Act are now free of duty subject, however, to the reservations set forth in Schedule A appended hereto.

*Articl 2.*

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule B appended hereto, the duties of customs shown in that schedule in place of the duties (if any) now leviable.

*Article 3.*

His Majesty's Government in the United Kingdom undertake that the general *ad valorem* duty of 10 per cent. imposed by section 1 of the Import Duties Act, 1932, on the foreign goods specified in Schedule C shall not be reduced except with the consent of His Majesty's Government in New Zealand.

*Article 4.*

In regard to frozen mutton, lamb, and beef, the understanding between the Governments concerned is set out in the letter *, dated the 19th August, 1932, addressed by the Rt. Hon, J. G. Coates, M. P., to the Rt. Hon. Stanley Baldwin, M. P.

*Article 5.*

His Majesty's Government in the United Kingdom will invite the Governments of the non-self-governing colonies and protectorates to accord to New Zealand any preference which may for the time being be accorded to any other part of the British Empire, provided that this Article shall not extend to any preferences accorded by Northern Rhodesia to the Union of South Africa, Southern Rhodesia and the territories of the South African High Commission by virtue of the Customs Agreement of 1930.

*Article 6.*

His Majesty's Government in New Zealand will invite Parliament to pass the legislation necessary to substitute for the duties of Customs now leviable on the United Kingdom goods specified in Schedule D the duties shown in that Schedule, and to exempt all United Kingdom goods from the application of the surtax of nine-fortieths or one-twentieth of the Customs duty, as the case may be.

*Article 7.*

His Majesty's Government in New Zealand undertake that protection by tariffs shall be afforded against United Kingdom products only to those industries which are reasonably assured of sound opportunities for success.

*Article 8.*

His Majesty's Government in New Zealand undertake to institute an inquiry into the existing protective duties and, where necessary, to reduce them as speedily as possible to such a level as will place the United Kingdom producer in the position of a domestic competitor that is, that the protection afforded to the New Zealand producer shall be on a level which will give the United Kingdom producer full opportunity of reasonable competition on the basis of the relative cost of economical and efficient production.

*Article 9.*

His Majesty's Government in New Zealand undertake that United Kingdom producers shall have an opportunity of putting forward their views in connection with the inquiry referred to in Article 8 hereof.

*Article 10.*

His Majesty's Government in New Zealand undertake that no reduction shall be made in the margins of preference of 20 per cent. *ad valorem* (or its equivalent) or less now enjoyed by United Kingdom goods over those of any foreign country, and that where the margin of preference now exceeds 20 per cent. *ad valorem* (or its equivalent) it shall not be reduced below 20 per cent. *ad valorem* (or its equivalent) except with the consent of His Majesty's Government in the United Kingdom.

*Article 11.*

His Majesty's Government in New Zealand undertake that the existing primage duty of 3 per cent. *ad valorem* now levied on United Kingdom goods which are otherwise duty free shall not be increased, and shall be abolished as soon as financial conditions permit.

*Article 12.*

His Majesty's Government in New Zealand undertake to accord to the non-self-governing colonies and protectorates and the mandated territories of Tanganyika, the Cameroons under British mandate, and Togoland under British mandate, preferences on

* See page 32.

the commodities and at the rates shown in Schedule E, and also any preference for the time being accorded to the United Kingdom. Provided that His Majesty's Government in New Zealand shall not be bound to continue to accord any preferences to any colony or protectorate which, not being precluded by international obligations from according preferences, either (*i*) accords to New Zealand no preferences, or (*ii*) accords to some other part of the Empire (in the case of Northern Rhodesia, excepting the Union of South Africa, Southern Rhodesia, and the territories of the South African High Commission) preferences not accorded to New Zealand.

*Article 13.*

This Agreement between His Majesty's Government in the United Kingdom and His Majesty's Government in New Zealand is to be regarded as coming into effect as from the date hereof (subject to the necessary legislative or other action being taken as soon as may be practicable hereafter). It shall remain in force for a period of five years, and if not denounced six months before the end of that period shall continue in force thereafter until a date six months after notice of denunciation has been given by either party.

In the event of circumstances arising which, in the judgment of His Majesty's Government in the United Kingdom or of His Majesty's Government in New Zealand as the case may be, necessitate a variation in the terms of the agreement, the proposal to vary those terms shall form the subject of consultation between the two, Governments.

Signed on behalf of His Majesty's Government in the United Kingdom :

STANLEY BALDWIN.

Signed on behalf of His Majesty's Government in New Zealand :

J. G. COATES.

(Initialled) R. B. B.
August 20, 1932.

SCHEDULE A.

As regards eggs, poultry, butter, cheese and other milk products, free entry for New Zealand produce will be continued for three years certain. His Majesty's Government in the United Kingdom, however, reserve to themselves the right after the expiration of the three years, if they consider it necessary in the interests of the United Kingdom producer to do so, to review the basis of preference so far as relates to the articles enumerated, and, after notifying His Majesty's Government in New Zealand, either to impose a preferential duty on New Zealand produce, whilst maintaining existing preferential margins, or in consultation with the New Zealand Government to bring such produce within any system which may be put into operation for the quantitative regulation of supplies from all sources in the United Kingdom market.

SCHEDULE B.

| | |
|---|---|
| Butter .. .. .. .. | 15s. per cwt. |
| Cheese .. .. .. .. | 15 per cent. *ad valorem*. |
| Apples, raw (excluding apples consigned direct to a registered cider manufacturer for use in making cider) .. .. | 4s. 6d. per cwt. |
| Pears, raw .. .. .. | 4s. 6d. per cwt. |
| Eggs, in shell— | |
| (*a*) Not exceeding 14 lbs. in weight per great hundred .. .. .. | 1s. per great hundred. |
| (*b*) Over 14 lbs. but not exceeding 17 lbs. .. | 1s. 6d. per great hundred. |
| (*c*) Over 17 lbs. .. .. .. | 1s. 9d. per great hundred. |
| Condensed milk, whole, sweetened .. | 5s. per cwt. in addition to the duty in respect of sugar content. |
| Condensed milk, whole, not sweetened .. | 6s. per cwt. |
| Milk powder and other preserved milk, not sweetened .. .. .. | 6s. per cwt. |
| Honey .. .. .. .. | 7s. per cwt. |

SCHEDULE C.

| | |
|---|---|
| Tallow. | Seeds, grass and clover. |
| Canned meat. | Leather. |
| Sausage casings. | Copra. |
| Casein. | Sugar of milk. |
| Meat extracts and essences. | Gums, other than gum arabic, gum tragacanth shellac, sticklac and seedlac. |
| Dried peas. | |

SCHEDULE D.

| Articles. | Rate of Import Duty. |
|---|---|
| Confectionery | 27½ per cent. *ad valorem*. |
| Apparel and ready-made clothing | 27½ per cent. *ad valorem*. |
| Hosiery | 27½ per cent. *ad valorem*. |
| Silk and artificial silk piece-goods | Free. |

SCHEDULE E.

| Commodity. | Margin of Preference. |
|---|---|
| Asphalt | 10 per cent. *ad valorem*. |
| Cigars | 2*s*. per lb. |
| Cocoa | ½*d*. per lb. |
| Coffee | 1*d*. per lb. |
| Rum | 4*s*. per proof gallon. |
| Unground spices, *viz.* :— | |
| Cinamon, cloves, ginger, mace, nutmeg, pepper and vanilla | 10 per cent. *ad valorem*. |

COPY OF LETTER REFERRED TO IN ARTICLE 4 OF AGREEMENT.

New Zealand Delegation,
Ottawa, Canada, August 19, 1932.

Dear Mr. Baldwin,

I have given further consideration to the matter of an agreement between His Majesty's Government in the United Kingdom and His Majesty's Government in New Zealand. In my conversations with you and your Ministers we have agreed that a policy will be adopted that will have for its definite objective the two-fold purpose of raising the price of meat to a remunerative level and of progressively increasing the share of the Dominions in the United Kingdom market. I accept your undertaking that effective steps will be taken to secure these results.

2. For the purpose of restricting foreign supplies of mutton and lamb, the arrivals, as compared with the corresponding periods of the year ending the 30th June 1932, as I understand the United Kingdom proposal, are to be reduced by at least 10 per cent. for the quarter ending the 31st March, 1933, 15 per cent. for the quarter ending the 30th June, 1933, 20 per cent. for the quarter ending the 30th September, 1933, 25 per cent. for the quarter ending the 31st December, 1933, 30 per cent. for the quarter ending the 31st March, 1934, and 35 per cent. for the quarter ending the 30th June, 1934, and thereafter, unless otherwise agreed between the Governments concerned, for the remainder of the period of the agreement concluded at Ottawa by not less than 35 per cent.

3. During the year 1933, and in the light of the experience gained, His Majesty's Government in the United Kingdom will consider, in consultation with His Majesty's Government in New Zealand, the best means of ensuring an improved price situation, and the more orderly marketing of supplies.

4. To assist in the orderly marketing of supplies the Dominion will give a reliable estimate of shipments of mutton and lamb as early as possible in each export season. This season will necessarily cover the period the 1st October in one year to the 30th September in the following year. For the season 1932-33 we estimate our exports of frozen mutton and lamb at 200,000 tons, with a 5 per cent. increase in each of the following two years. For the calendar year 1933 you may take it that our shipments of frozen mutton and lamb will be the same as those of the twelve months ended the 30th June, 1932, *i.e.*, of the year which ended with the month immediately preceding the opening of the conference.

5. It is understood that, in consideration of this undertaking on our part, no restriction will be placed by His Majesty's Government in the United Kingdom

upon the importation of any meat from New Zealand during the periodending the 20th June, 1934.

6. In frozen beef, we estimate our exports for the season 1932-33 at not more than 22,000 tons, representing a maximum increase over the previous season of approximately 10 per cent.

7. With regard to bacon and other pig products, I am informed that your Government are now dealing with the reorganisation of this industry, and that an effective policy of control of foreign imports will be adopted. This policy, as I understand it, will provide for some expansion of Home and Dominion supplies of pig products. New Zealand is already an exporter of pork and bacon carcasses and will be granted a reasonable share of the expansion made possible by the reduction of foreign imports.

8. All frozen beef (carcasses and boned beef) from foreign sources is to be subject to the same reductions as are specified in paragraph 2.

9. No increase of chilled beef imports from foreign sources into the United Kingdom in excess of the twelve months the 1st July, 1931, to the 20th June, 1932, will be permitted during the period January 1933 to the 30th June, 1934, and the rate of importation will not thereafter be increased during the period of the Ottawa agreement except with the concurrence of the Governments concerned.

10. Should it appear to His Majesty's Government in the United Kingdom after an enquiry that, at any time, in consequence of a restriction upon foreign imports, the supplies of meat of any kind are inadequate to meet the requirements of consumers in the United Kingdom, then His Majesty's Government may remove any such restriction until supplies are again adequate.

Your sincerely,

(Signed) J. G. COATES.

The Right Hon. Stanley Baldwin, M. P., United Kingdom Delegation, Imperial Economic Conference.

## PART IV

### UNITED KINGDOM—UNION OF SOUTH AFRICA AGREEMENT.

WE, the representatives of His Majesty's Government in the United Kingdom and of His Majesty's Government in the Union of South Africa, hereby agree with one another, on behalf of our respective Governments, as follows :—

*Article 1.*

His Majesty's Government in the United Kingdom undertake that Orders shall be made in accordance with the provisions of section 4 of the Import Duties Act, 1932, which will ensure the continuance after the 15th November, 1932, of entry free of duty into the United Kingdom of South African goods which comply with the law and statutory regulations for the time being in force affecting the grant of Imperial preference, and which by virtue of that Act are now free of duty, subject, however, to the reservations set forth in Schedule A appended hereto.

*Article 2.*

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule B appended hereto, the duties of customs shown in that schedule in place of the duties (if any) now leviable.

*Article 3.*

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to secure to South African goods of the kinds specified in Schedule C appended hereto, which comply with the law and statutory regulations for the time being in force affecting the grant of Imperial preference, the margins of preference specified therein over similar foreign goods.

*Article 4.*

His Majesty's Government in the United Kingdom undertake that the general *ad valorem* duty of 10 per cent. imposed by section 1 of the Import Duties Act, 1932, on the foreign goods specified in Schedule D shall not be reduced, except with the consent of His Majesty's Government in the Union of South Africa, and that the existing preferential margin on sugar and wine (except as otherwise provided in this Agreement) shall not be reduced without the like consent.

*Article 5.*

The duty on copper provided in this agreement is conditional on the Empire producers of copper continuing to offer this commodity on first sale in the United Kingdom at a price not exceeding the world price.

*Article 6.*

His Majesty's Government in the United Kingdom will invite Parliament to pass legislation which will secure for a period of ten years from the date hereof to

tobacco, which complies with the laws and statutory regulations for the time being in force affecting the grant of Imperial preference, the existing margin of preference over foreign tobacco so long, however, as the duty on foreign unmanufactured tobacco does not fall below 2s. $0\frac{1}{2}d.$ per lb., in which event the margin of preference shall be equal to the full duty.

*Article 7.*

His Majesty's Government in the United Kingdom, in applying any powers which they may obtain from Parliament for the quantitative regulation of imports of mutton and lamb into the United Kingdom, will make provision for the importation of South African mutton and lamb.

*Article 8.*

His Majesty's Government in the United Kingdom will invite the Governments of the non-self-governing colonies and protectorates, to accord to the Union of South Africa any preference which may, for the time being, be accorded to any other part of the British Empire.

*Article 9.*

His Majesty's Government in the Union of South Africa will invite Parliament to pass the legislation necessary to secure to United Kingdom goods of the kinds specified in Schedule E, the margins of preference over similar foreign goods shown in that schedule.

*Article 10.*

His Majesty's Government in the Union of South Africa will invite Parliament to impose on foreign goods of the kinds specified in Schedule F, the specific duties shown in that schedule, and undertake not to make, or to invite Parliament to pass legislation involving, any alterations in the existing rates of duty on similar United Kingdom goods which would result in a decrease in the margin of preference now accorded.

*Article 11.*

His Majesty's Government in the Union of South Africa undertake not to lower the existing margins of preference over similar foreign goods now accorded to the United Kingdom goods of the kinds specified in Schedule G.

*Article 12.*

His Majesty's Government in the Union of South Africa undertake to accord to the non-self-governing colonies and protectorates and the mandated territories of Tanganyika, the Cameroons under the British mandate, and Togoland under British mandate, preferences on the commodities and at the rates shown in Schedule H and also any preferences for the time being accorded to the United Kingdom if His Majesty's Government in the United Kingdom so request.

Provided that His Majesty's Government in the Union of South Africa shall not be bound to accord any preferences to any Colony or Protectorate which, not being precluded by international obligations from according preferences, either (*i*) accords to the Union of South Africa no preferences, or (*ii*) accords to some other part of the Empire preferences not accorded to the Union of South Africa.

*Article 13.*

For the purposes of this agreement the mandated territory of South-West Africa shall be deemed to be part of the Union of South Africa.

*Article 14.*

This agreement between His Majesty's Government in the United Kingdom and His Majesty's Government in the Union of South Africa is to be regarded as coming into effect as from the date hereof (subject to the necessary legislative or other action being taken as soon as may be practicable hereafter). It shall remain in force for a period of five years, and if not denounced six months before the end of that period shall continue in force thereafter until a date six months after notice of denunciation has been given by either party.

In the event of circumstances arising which, in the judgment of His Majesty's Government in the United Kingdom, or of His Majesty's Government in the Union of South Africa as the case may be, necessitate a variation in the terms of the agreement, the proposal to vary those terms shall form the subject of consultation between the two Governments.

Signed on behalf of His Majesty's Government in the United Kingdom :

STANLEY BALDWIN.

Signed on behalf of His Majesty's Government in the Union of South Africa :

N. C. HAVENGA.

(Initialled) R. B. H.
August 20, 1932.

## SCHEDULE A.

As regards eggs, poultry, butter, cheese and other milk products, free entry for produce of the Union of South Africa will be continued for three years certain. His Majesty's Government in the United Kingdom, however, reserve to themselves the right, after the expiration of the three years, if they consider it necessary in the interests of the United Kingdom producer to do so, to review the basis of preference so far as relates to the articles enumerated, and, after notifying His Majesty's Government in the Union of South Africa, either to impose a preferential duty on produce of the Union of South Africa, whilst maintaining existing preferential margins, or, in consultation with the Union Government, to bring such produce within any system which may be put into operation for the quantitative regulation of supplies from all sources in the United Kingdom market.

## SCHEDULE B.

| | |
|---|---|
| Oranges, raw .. .. | 3s. 6d. per cwt. from April 1 to November 30. |
| Grape-fruit, raw .. .. | 5s. per cwt. from April 1 to November 30. |
| Peaches and nectarines, raw .. | 14s. per cwt. from December 1 to March 31. |
| Plums, raw .. .. | 9s. 4d. per cwt. from December 1 to March 31. |
| Grapes (other than hot-house) .. | $1\frac{1}{2}d.$ per lb. from February 1 to June 30. |
| Apples, raw (excepting apples consigned direct to a registered cider manufacturer for use in making cider). | 4s. 6d. per cwt. throughout the year. |
| Pears, raw .. .. | 4s. 6d. per cwt. throughout the year. |
| Dried fruits, now dutiable at 7s. .. | 10s. 6d. per cwt. throughout the year. |
| Apples, canned .. .. | 3s. 6d. per cwt. in addition to the duty in respect of sugar content. |
| Other canned fruits .. .. | 15 per cent. *ad valorem* in addition to the duty in respect of sugar content. |
| Maize, flat white .. .. | 10 per cent. *ad valorem* throughout the year. |
| Butter .. .. | 15s. per cwt. throughout the year. |
| Cheese .. .. | 15 per cent. *ad valorem*. |
| Eggs in shell— | |
| (a) Not exceeding 14 lbs. in weight per great hundred. | 1s. per great hundred throughout the year. |
| (b) Over 14 lbs., but not exceeding 17 lbs. | 1s. 6d. per great hundred throughout the year. |
| (c) Over 17 lbs. .. .. | 1s. 9d. per great hundred throughout the year. |
| Condensed milk, whole, sweetened .. | 5s. per cwt. in addition to the duty on sugar content. |
| Condensed milk, whole, not sweetened | 6s. per cwt. |
| Milk powder and other preserved milk, not sweetened. | 6s. per cwt. |
| Copper, unwrought, whether refined or not, in ingots, bars, blocks, slabs, cakes and rods .. .. | 2d. per lb. |

## SCHEDULE C.

| Commodity. | Margin of Preference. |
|---|---|
| Wine not exceeding 27 degrees of proof spirit .. .. | 2s. per gallon. |

## SCHEDULE D.

Wattle bark and tanning extracts made therefrom.

Maize products.

Asbestos.

Dried fruits, other than currants, not specified in Schedule B.

Fruit preserved by chemicals or artificial heat, other than fruit preserved in sugar.

Fruit juices.

Whale oil and whale products (other than whale oil and whale products produced or manufactured in floating factories which are British concerns).

Crayfish.

Hake, fresh.

Oyster-shell grit.

Ground-nuts.

Goat-skins.

Lucerne seed.

Kaffir corn and meal.

Box-wood.

Potatoes.

Sausage casings.

Ostrich feathers.

## SCHEDULE E.

| Tariff Item. | Commodity. | Margin of preference over similar foreign goods. |
|---|---|---|
| 13*a* | Coffee raw .. .. .. .. | 1*d*. per lb. |
| ex 19 | Fish— | |
| | (*e*) Tinned (not specially provided for) .. .. | 1½*d*. per lb. |
| 30 | Meats, soups (not concentrated), and similar substances used as food, but not including extracts and essences— | |
| | (*c*) Tinned (not including bacon and ham) .. .. | 1½*d*. per lb. |
| 97 (*i*) | Cranes, mechanical excavators and loaders winches not being for whaling, trawling or mining purposes, hoisting crabs, chain blocks, spiral shutes, gravity conveyors and shears .. .. | 7 per cent *ad valorem.* |
| 97 (*ii*) | Bucket conveyors and conveyor belts and belting (not being for mining or industrial purposes), and mechanical storage lifting apparatus .. .. .. .. .. | 7 per cent. *ad valorem.* |
| 113 (3) | Vacuum cleaners, electric .. .. .. .. | 5 per cent. *ad valorem.* |
| 118 | Machinery apparatus, appliances and implements (not specially provided for, and not including material domestic machines or vehicles)— | |
| | (*c*) for mining purposes, n. e. e. .. .. .. | 5 per cent. *ad valorem.* |
| | (*g*) other, for manufacturing and industrial purposes, including machinery for power laundries, and leather-measuring machines for use in boot factories and tanneries and workshop machinery and appliances ordinarily used in a motor garage for manufacturing and repair work, but not including structural steel-work for staging and platforms .. | 5 per cent. *ad valorem.* |
| 119 (*b*) | Batteries, electrical ; wet or dry, primary or secondary, including accumulators, except those of which each cell or unit is of a capacity greater than 150 ampere hours at a 1-hour rate of discharge .. .. .. .. | 10 per cent. *ad valorem.* |
| 138 | Railway construction or equivalent requisites— | |
| | Locomotives .. .. .. .. .. | 5 per cent. *ad valorem.* |
| 141 | Sprayers and sprinklers and other apparatus used for the prevention and destruction of agricultural pests, or of diseases in stock plants or trees .. .. .. .. .. | 10 per cent. *ad valorem.* |
| ex 147 (*a*) | (*a*) Tractors .. .. .. .. .. | 10 per cent. *ad valorem.* |
| ex 149 (*i*) | (*a*) Typewriters .. .. .. .. .. | 10 per cent. *ad valorem.* |
| ex 154 (*ii*) | Radio apparatus and accessories, except when imported for merchant ship or by persons licensed by the Postmaster-General to conduct a public radio service and not including batteries .. | 10 per cent. *ad valorem.* |
| ex 158 | Asphalt and bitumen .. .. .. .. | 10 per cent. *ad valorem.* |
| ex 206 | Soap, toilet .. .. .. .. .. | 15 per cent. *ad valorem.* |
| 250 | Bands and belting of all kinds for driving machinery .. | 5 per cent *ad valorem.* |
| ex 251 (*a*) (*i*) | Canvas and rubber shoes, adult .. .. ... | 1*s*. per pair.* |
| ex 253 (*a*) (*i*) | Rubber water garden hose, plain .. .. .. | ¾*d*. per lb. |
| ex 253 (*a*) (*ii*) | Rubber water gardens hose, armoured .. .. .. | ½*d*. per lb. |

* No change in *ad valorem* rate.

## SCHEDULE F.

| Tariff item. | Commodity. | Minimum specific duties to be imposed on goods from sources other than United Kingdom. |
|---|---|---|
| 76 | Piece-goods, not being blanketing or kaffir sheeting (*a*) cotton (that is, piece-goods containing 50 per cent. or more of cotton), the free on board price of which per yard— | |
| | (*i*) does not exceed 1*s*. 3*d*. ... .. ... | 1½*d*. per yard. |
| | ex (C) Rayon (that is piece-goods containing 50 per cent. or more of rayon) ... .. .. .. ... | 3*d* per yard. |
| | NOTE.—In the case of piece-goods exceeding 30 inches in width, "yard" shall mean 36 inches by 30 inches in width and the duty shall be calculated proportionately to the width. | |
| ex 65*b* (*v*) and (*vi*). | Underclothing, knitted (not shirts), of cotton— | |
| | Men's vests and trunks .. .. .. .. | 4*s*. per dozen. |
| | Women's vests and knickers .. .. ... | 3*s*. per dozen. |
| | Women's slips and combinations .. .. .. | 5*s*. per dozen. |
| | Of rayon— | |
| | Men's vests and trunks .. .. .. | 6*s*. per dozen. |
| | Women's vests and knickers .. .. .. | 4*s*. per dozen. |
| | Women's slips and combinations .. ... .. | 7*s*. per dozen. |

## SCHEDULE G.

| Tariff Item. | Commodity. | Margin of perference over similar foreign goods. |
|---|---|---|
| 8a | Cheese : full cream .. .. .. .. | 5 per cent. *ad valorem*, or ½d. per lb., according to the duty applicable. |
| 15a | Wheat— | |
| | (i) in the grain .. .. .. | 2d. per 100 lbs. |
| | (ii) ground or otherwise prepared .. .. | 4d. per 100 lbs. |
| 21 | Foods— | |
| | (a) Patent or proprietary cornflour or maizene : | |
| | (i) in bulk .. .. .. .. | 5 per cent. *ad valorem* or ½d. per lb., according to the duty applicable. |
| | (ii) not in bulk .. .. .. .. | 5 per cent. *ad valorem*, or ½d. per lb., according to the duty applicable. |
| 21 | (c) Other patent or proprietary farinaceous and cereal foods, not including oatmeal and rolled oats .. | 5 per cent. *ad valorem.* |
| 26 | Hops : in bulk .. .. .. .. | 5 per cent. *ad valorem.* |
| 70 | Hosiery— | |
| | (a) Socks .. .. .. .. | 5 per cent. *ad valorem.* |
| | (b) Stockings .. .. .. .. | 5 per cent. *ad valorem.* |
| 71 | Laces, lace curtaining and flouncing, and embroidery : in the piece or in the form of insertions or Medallions ... .. | 5 per cent. *ad valorem.* |
| 76 | Piece goods, not bling blanketing or kaffir sheeting— | |
| | (a) Cotton (that is piece goods containing 50 per cent. or more of cotton), the free on board price of which per yard : | |
| | (i) does not exceed 1s. 3d. .. .. .. | not less than 5 per cent. *ad valorem.* |
| 81 | (i) Twine— | |
| | (a) Seaming and binder, and harvest yarn .. .. | 5 per cent. *ad valorem.* |
| ex 86 | (a) Motor cycles and side-cars including spare parts and accessories, but not including electric lamp bulbs, tyers and tubes when imported separately. | 5 per cent. *ad valorem.* |
| 89 | (a) Buckets, skips, trucks and tubs, wheeled or otherwise, for haulage or propulsion (except by locomotives) on rails or wires, and not intended for agricultural purposes .. .. | 5 per cent. *ad valorem.* |
| | (c) Metal shaft sets .. .. .. | 5 per cent. *ad valorem.* |
| | (d) Rails not exceeding 30 lb. per running yard .. .. | 5 per cent. *ad valorem.* |
| 99 | Cutlery, not gold or silver, nor gold or silver plated .. .. | 5 per cent. *ad valorem.* |
| 102 | Enamelware and hollow-ware— | |
| | (a) Enamelled lamp shades and reflectors .. .. | 5 per cent. *ad valorem.* |
| | (b) Enamelware, n.e.e. .. .. .. | 5 per cent. *ad valorem.* |
| | (c) Hollow-ware, n.e.e. .. .. .. | 5 per cent. *ad valorem.* |
| 115 | Lamp bulbs : electric— | |
| | (a) Projector type .. .. .. | 5 per cent. *ad valorem.* |
| | (b) Radiator type .. .. .. | 5 per cent. *ad valorem.* |
| | (c) Motor and Motor-cycle headlights .. .. | 10s. per 100. |
| | (d) Motor and Motor-cycle side, tail and dash light .. | 5s. per 100. |
| | (e) Flashlights .. .. .. .. | 2s. 6d. per 100. |
| | (f) Carbon filaments .. .. .. | 5 per 100. |
| | (g) Vacuum type, n.e.e.— | |
| | not exceeding 60 watts .. .. .. | 5s. per 100. |
| | exceeding 60 watts .. .. .. | 10s. per 100. |
| | (h) Gas-filled type, n.e.e.— | |
| | not exceeding 100 watts .. .. .. | 10s. per 100. |
| | exceeding 100 watts .. .. .. | 20s. per 100. |
| 116 | Lamps and lampware— | |
| | (e) Lamp shades and reflectors, of glass or metal, for gas and electric lighting, n.e.e. .. .. .. | 5 per cent. *ad valorem.* |
| 118 | Machinery, apparatus, appliances and implements (not specially provided for, and not including material, domestic machines or vehicles)— | |
| | (d) Rock drill spares .. .. .. | 3 per cent. *ad valorem* |
| | (f) Plates and frames for sugar filter presses .. .. | 3 per cent. *ad valorem,* |
| | (h) Liners (iron) for tube mills .. .. | 3 per cent. *ad valorem.* |
| 119 | (a) Machinery, apparatus, appliances, implements and electrical material used in connection therewith for the generation, storage, transmission, distribution of, and lighting by, gas or electric power, and machinery for the conversion or transformation of electric power; hot air driers for the drying of transformers; but not including plain copper wire (electric), acetylene lamps, hand and portable lamps, lamp shades and reflectors, batteries and bulbs elsewhere provided for, electric fans and parts or accessories of motor vehicles or cycles .. .. .. | 5 per cent. *ad valorem.* |
| | (c) Plain copper wire (electric) .. .. .. | 5 per cent. *ad valorem.* |
| 122 | Iron and steel— | |
| | (a) In blocks, ingots, pigs, billets, slabs, blooms and like crude manufactures; and scrap .. .. .. | 3 per cent. *ad valorem.* |
| | (b) Plates and sheets : plain, corrugated or galvanised, including plates coated with lead, tin or zinc, but not including lacquered, enamelled, varnished, printed, lithographed or embossed .. | 3 per cent. *ad valorem.* |
| | (c) Angle, bar, channel, rod, H, T, and similar iron, or steel, and rolled steel sections for the manufacture of steel window and door frames, not perforated or put together or worked up in any way or marked for working, and not specially provided for and baling clips and fluted mild steel not cut to size .. | 3 per cent. *ad valorem.* |

| Tariff Item. | Commodity. | Margin of preference over similar foreign goods. |
|---|---|---|
| 122—concld. | (d) Drill steel .. | 3 per cent. *ad valorem.* |
| | (e) Tool steel .. | 3 per cent. *ad valorem.* |
| | (h) Hoop, plain or perforated, and box strap .. | 3 per cent. *ad valorem.* |
| 128 | (i) Meters electricity— | |
| | (a) of less than 50 amps. .. | 2s. 6d. each. |
| | (b) of 50 amps. and not exceeding 100 amps. .. | 5s. each |
| | (c) exceeding 100 amps. .. | 10s. each. |
| | (d) spare parts and accessories of all the above classes of electricity meters .. | 5 per cent. *ad valorem.* |
| 134 | Pipes, piping, tubes and fittings of metal: gas, steam, drainage, sewerage, irrigation, water supply and water pumping; and including girds, manhole covers and fittings, and surface boxes— | |
| | (a) Wrought iron or steel pipes and tubes, not rivetted except down pipes and guttering .. | 1s. per 100 lbs. |
| | (b) Cast-iron pipes and tubes, except down pipes and guttering .. | 8d. per 100 lbs. |
| | (d) Down piping and guttering and fittings therefor, not riveted wrought iron or steel pipes and tubes .. | 5 per cent. *ad valorem.* |
| | (e) Cocks and taps, and meters and pipe fittings, n.e.e., spare parts of water meters falling under (h) .. | 5 per cent. *ad valorem.* |
| | (g) Cisterns .. | 5 per cent. *ad valorem.* |
| | (h) Water meters for house connection, not exceeding 1 inch piping .. | 3s. each. |
| 143 | Stoves— .. | |
| | (b) Electrical cooking and heating appliances (including kettles and irons), not being machinery elsewhere provided for and not including electric irons and electric steam irons used for industrial purposes .. | 5 per cent. *ad valorem.* |
| 146 | Tools, machanic's: being tools ordinarily used by mechanics or artisans, and not being agricultural implements or machine tools .. | 3 per cent. *ad valorem.* |
| 153 | Wire— | |
| | (b) Other than electric wire, millinery and picture wire and wire made of precious metal .. | 3 per cent. *ad valorem.* |
| 171 | Glass— | |
| | (b) Polished plate: | |
| | (i) exceeding 7 sq. ft. in measurement .. | 1d. per sq. ft. |
| | (ii) not exceeding 7 sq. ft. .. | 1d. per sq. ft. |
| | (c) Sheet, plain, clear: | |
| | (i) exceeding 16 ozs. but not exceeding 21 ozs. per sq. ft. .. | 1s. per 100 sq. ft. |
| | (ii) not exceeding 16 ozs. per sq. ft. .. | 1s. per 100 sq. ft. |
| 192 | Lead, white— | |
| | (a) Dry .. | 1s. per 100 lbs. |
| | (b) Ground, in oil— | |
| | (i) in packages containing 50 lbs. weight or over .. | 1s. per 100 lbs. |
| | (ii) in packages containing less than 50 lbs weight .. | 1s. per 100 lbs. |
| 260 | Rubber pneumatic tyres and tubes— | |
| | (a) Tyres, including the weight of the immediate wrapper: | |
| | (iii) Otherwise than as described in (i) and (ii) .. | 2d. per lb. |
| | (b) Tubes for motor vehicles other than motor cycles .. | 1½d. per lb. |
| | (c) Tubes for motor cycle and cycles .. | 2d. per lb. |
| 261 | Rubber tyres, solid, complete or in lengths or in the piece .. | 1d. per lb. |
| 279 | Wood— | |
| | (a) Unmanufactured .. | 3 per cent. *ad valorem.* |
| 295 | Paper— | |
| | (c) News print, in reels or in the flat .. | 5 per cent. *ad valorem.* |
| 324 | Telescopes, binoculars and field glasses, n.e.e., and opera glasses .. | 20 per cent. *ad valorem.* |

## SCHEDULE H.

| Commodity. | Margin of Preference. |
|---|---|
| Coffee, raw .. | 1d. per lb. |
| Asphalt and bitumen in bulk .. | 10 per cent. *ad valorem.* |

## PART V.

### UNITED KINGDOM-NEWFOUNDLAND AGREEMENT.

We, the representatives of His Majesty's Government in the United Kingdom and of His Majesty's Government in Newfoundland hereby agree with one another, on behalf of our respective Governments, as follows :—

*Article 1.*

His Majesty's Government in the United Kingdom undertake that Orders shall be made in accordance with the provisions of section 4 of the Import Duties Act, 1932, which will ensure the continuance after the 15th November, 1932, of entry free of duty into the United Kingdom of Newfoundland goods which comply with the law and statutory regulations for the time being in force affecting the grant of Imperial preference, and which by virtue of that Act are now free of duty, subject however to the reservations set forth in Schedule A appended hereto.

*Article 2.*

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule B appended hereto the duties of customs shown in that schedule in place of the duties (if any) now leviable.

*Article 3.*

His Majesty's Government in the United Kingdom undertake that the general *ad valorem* duty of 10 per cent. imposed by section 1 of the Import Duties Act, 1932, on the foreign goods specified in Schedule C shall not be reduced except with the consent of His Majesty's Government in Newfoundland.

*Article 4.*

His Majesty's Government in the United Kingdom will invite the Governments of the non-self-governing colonies and protectorates to accord to Newfoundland any preference which may for the time being be accorded to any other part of the British Empire, provided that this clause shall not extend to any preferences accorded by Northern Rhodesia to the Union of South Africa, Southern Rhodesia, and the Territories of the South African High Commission by virtue of the Customs Agreement of 1930.

*Article 5.*

His Majesty's Government in Newfoundland will invite Parliament to pass the legislation necessary to secure to United Kingdom goods of the kinds specified in Schedule D the margins of preference over similar foreign goods shown in that schedule, with effect from the 1st July, 1933.

*Article 6.*

His Majesty's Government in Newfoundland will undertake a general revision of the customs tariff to come into force as from the 1st July, 1933, and, if and in so far as budgetary considerations permit, will incorporate in the legislation which Parliament will be invited to pass, giving effect to such revision, provision for new and more favourable conditions in regard to the valuation of the pound sterling for customs purposes.

*Article 7.*

His Majesty's Government in Newfoundland will invite Parliament to pass the legislation necessary to accord to the non-self-governing colonies and protectorates, and the mandated territories of Tanganyika, the Cameroons under British mandate and Togoland under British mandate, preferences on the commodities and at the rates shown in Schedule E, and also any preferences for the time being accorded to the United Kingdom if His Majesty's Government in the United Kingdom so request. Provided that His Majesty's Government in Newfoundland shall not be bound to accord any preferences to any colony or protectorate which, not being precluded by international obligations from according preferences, either (*i*) accords to Newfoundland no preferences, or (*ii*) accords to some other part of the Empire (in the case of Northern Rhodesia, excepting the Union of South Africa, Southern Rhodesia and the Territories of the South African High Commission) preferences not accorded to Newfoundland.

*Article 8.*

If under the terms of the Newfoundland-Jamaica Agreement at present in force either party would be entitled to any greater margin of preference than is hereby agreed, the parties to that Treaty shall continue during its currency to enjoy the benefits therein provided.

*Article 9.*

This agreement between His Majesty's Government in the United Kingdom and His Majesty's Government in Newfoundland is to be regarded as coming into effect as from the date hereof (subject to the necessary legislative or other action being taken as soon as may be practicable hereafter). It shall continue in force for a period of five years, and if not denounced six months before the end of that period shall continue in force thereafter until a date six months after notice of denunciation has been given by either party.

In the event of circumstances arising which, in the judgment of His Majesty's Government in the United Kingdom or of His Majesty's Government in Newfoundland, as the case may be, necessitate a variation in the terms of the agreement, the proposal to vary those terms shall form the subject of consultation between the two Governments.

Signed on behalf of His Majesty's Government in the United Kingdom :

STANLEY BALDWIN,

Signed on behalf of His Majesty's Government in Newfoundland:

F. C. ALDERDICE.

**(Initialled) R. B. H.**

**August 20, 1932.**

## SCHEDULE A.

As regards eggs, poultry, butter, cheese and other milk products free entry for produce of Newfoundland will be continued for three years certain. His Majesty's Government in the United Kingdom, however, reserve to themselves the right, after the expiration of the three years, if they consider it necessary in the interests of the United Kingdom produced to do so, to review the basis of preference, so for as relates to the articles enumerated, and, after notifying His Majesty's Government in Newfoundland, either to impose a preferential duty on produce of Newfoundland, whilst maintaining existing preferential margins, or, in consultation with the Newfoundland Government, to bring such produce within any system which may be put into operation for the quantitative regulation of supplies from all sources in the United Kingdom market.

## SCHEDULE B.

| | |
|---|---|
| Cod-liver oil . . . . | 1s. 4d. per gallon. |
| Chilled or frozen salmon . . | 1½d. per lb. |

## SCHEDULE C.

Cod fish.

Marine shell.

## SCHEDULE D.

(References are to the current Newfoundland Customs Tariff.)

The margin of preference to be granted will be 10 per cent. *ad valorem* in each case, except in the cases marked*, where His Majesty's Government in Newfoundland reserve the right to grant a lesser margin of preference if the grant of a preference of 10 per cent. *ad valorem* would involve loss of revenue.

(1) Article 61. Lard for manufacturing.

(2) „ 61. Lard compound, lard, etc.

(3) „ 72. Confectionery costing less than 18 c. per lb.

(4) „ 72. Confectionery costing 18 c. per lb. and over.

(5) „ 72. Confectionery to be sold *bonâ fide* in bars and packages retailed at 5 c.

[NOTE.—The preference on items (3), (4) and (5) applies to the *ad valorem* part of the duty and not to the specific part.]

(6) „ 101. Linseed or flax seed oil, etc.

(7) „ 138. Iron and steel railway bars, wheels, etc.

(8) „ 140. Iron or steel pipe fittings and steel wire.

(9) „ 157. Mild steel, etc., N. E. S.

(10) „ 161. Manufactures of brass and bronze, N. E. S., etc.

(11) „ 168. Tin, babbit metal, solder, etc.

(12) „ 176. Saws, axes, adzes, hammers and tools of all kinds.

(13) „ 177 (*b*). *Hardware, cutlery, etc.

(14) „ 177 (*c*). *Skates, safes and doors, flat irons, etc.

(15) „ 177 (*d*). *Lamps, lanterns, gas and oil stoves, etc.

(16) „ 177 (*e*). *Hardware: Builder's hinges, hardware, screws, etc.

(17) „ 180. *Agate, enamelled and steel hollow-ware, etc.

(18) „ 187. Electric motors and generators, electric lamps, etc.

(19) „ 194. *Hand and power machinery costing up to $ 100.

(20) „ 195 Hand and power machinery costing up to $ 100.

(21) „ 196. Office and domestic machinery, typewriters, etc.

(22) „ 197. Wood-working machinery, radiators, etc.

(23) „ 200. Machinery: Fish presses, winches, etc.

(24) „ 201. Special machinery for manufacturers costing not less than $800.

(25) „ 198. *Machinery and parts of machinery, N.E.S. (including tools for drilling, piercing, tapping and reaming work).

(26) „ 222. *Manufactures of cotton, quilts, sheets, towels, gloves, hosiery of cotton, cretonnes, etc.

(27) „ 222 (*a*) Manufactures of cotton, piece-goods of cotton, Italian cloth, coat linings, etc.

| | | | |
|---|---|---|---|
| (28) | Article | 224. | * Manufactures of wool, *viz.*, wool hosiery, gloves, blankets, knitted shirts, sweaters, etc. |
| (29) | ,, | 224 (*a*). | Manufactures of wool, piece-goods of flannels, serges, cashmeres, tweed, cloths, etc. |
| (30) | ,, | 228. | *Linen manufactures : Linen damask, stair linen, etc. |
| (31) | ,, | 231. | *Piece-goods : Velvets and silks in the piece—not made up. |
| (32) | ,, | 230. | Cotton sewing thread, buttons, needles, etc. |
| (33) | ,, | 231(*a*) | *Manufactures of velvets and silks. |
| (34) | ,, | 229. | Haberdashery : Flowers, ribbons, corsets, laces, etc. |
| (35) | ,, | 233. | Ready-mades, clothing of all kinds, collars and cuffs. |
| (36) | ,, | 236 | *Leather boots and shoes. |
| (37) | ,, | 239 | *Hats and caps. |
| (38) | ,, | 242. | Acetic acid, medicines. etc. |
| (39) | ,, | 243. | Dye-stuffs. |
| (40) | ,, | 246. | Painters' colours, varnishes, putty, etc. |
| (41) | ,, | 247. | Sole leather in the hide or side. |
| (42) | , | 247. | All other upper leathers, N. E. S. |
| (43) | ,, | 251. | Leather belting |
| (44) | ,, | 257. | Printing paper for printers. |
| (45) | ,, | 258. | Printing paper, N. E. S., toilet and writing paper, paper bags, unprinted. |
| (46) | ,, | 262. | Firearms, guns, rifles, cartridges, cases, etc. |
| (47) | ,, | 266. | Knife brick and polish of all kinds. |
| (48) | ,, | 273. | Automobiles or motor cars. |
| (49) | ,, | 273. | Rubber tyres and tubes. |
| (50) | ,, | 277. | Cordage of all kinds, N. E. S. |
| (51) | ,, | 279. | Stoppers of all kinds. |
| (52) | ,, | 282. | Fancy-wares. |
| (53) | ,, | 285. | Matches. |
| (54) | ,, | 290. | Musical instruments. |
| (55) | ,, | 292. | Oil cloth, linoleum, etc. |
| (56) | ,, | 294. | Perfumery, hair oil, tooth and other powders. |
| (57) | ,, | 300. | Soap. |
| (58) | ,, | 306(*a*). | Stationery, erasing rubbers, pens, pencils, etc., N. E. S. |
| (59) | ,, | 306(*d*). | Printed music. |
| (60) | ,, | 307. | Toys, dolls, sleds, games, etc. |
| (61) | ,, | 205. | Mining equipment, dynamite, etc. |

## SCHEDULE E

| Commodities. | Margin of preference. |
|---|---|
| Coffee, green, roasted or ground .. .. | 2c. per lb. |
| Fruit : oranges, lemons, etc. .. .. | 10 per cent. *ad valorem.* |
| Coconut, desiccated, sweetened or not.. .. | 4c. per lb. |
| Tea .. .. .. .. | 4c. per lb. |
| Vegetables, raw ; *viz.*, tomatoes .. .. | 20 per cent. *ad valorem.* |

COPY OF CORRESPONDENCE BETWEEN MR. BALDWIN AND MR. ALDERDICE REGARDING THE USE OF NEWFOUNDLAND WABANA IRON ORE IN THE UNITED KINGDOM.

Parliament Buildings,

Ottawa, August 18, 1932.

Dear Prime Minister,

My colleagues and I recognise that an arrangement between the interests concerned for the importation into the United Kingdom of a substantial quantity of Wabana iron ore is of paramount importance to the economic life of Newfoundland.

We therefore give you our assurance, on behalf of our Government, that we shall regard the last paragraph of Article 9 of the Agreement which is being concluded between His Majesty's Government in the United Kingdom and His Majesty's Government in Newfoundland as entitling the Government of Newfoundland to give us notice that they are unable to implement the Agreement, other than Articles 4, 7 and 8 and Schedule E, on the ground that a satisfactory arrangement between the interests concerned as regards the importation of such ore into the United Kingdom has not been concluded.

In that event it is understood between us that the Agreement, other than Articles 4, 7 and 8 and Schedule E, will be regarded as at an end.

I shall be glad to learn from you at your early convenience whether you concur that this correctly represents our understanding.

Yours sincerely,

(Signed) STANLEY BALDWIN,

The Prime Minister of Newfoundland,

Room 330, Parliament Buildings, Ottawa

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Ottawa, August 18, 1932.

Dear Lord President,

I have received your letter of to-day's date regarding the Agreement between our respective Governments and I agree with you that your letter correctly represents the understanding between us.

Yours sincerely,

(Signed) F. C. ALDERDICE.

The Right Hon. Stanley Baldwin, M. P.

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## PART VI.

### UNITED KINGDOM—INDIAN AGREEMENT.

WE, the representatives of His Majesty's Government in the United Kingdom and of the Government of India, hereby agree with one another, on behalf of our respective Governments, as follows :—

*Article 1.*

His Majesty's Government in the United Kingdom undertake that Orders shall be made in accordance with the provisions of section 4 of the Import Duties Act, 1932, which will ensure the continuance, after the 15th November, 1932, of entry free of duty into the United Kingdom of Indian goods which comply with the law and statutory regulations for the time being in force, defining Empire goods for the purpose of customs duties, and which, by virtue of that Act, are now free of duty.

*Article 2.*

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule A appended hereto the duties of customs shown in that schedule in place of the duties (if any) now leviable.

*Article 3.*

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to secure to Indian goods of the kinds specified in Schedule B appended hereto, which comply with the law and statutory regulations for the time being in force, defining Empire goods for the purpose of customs duties, the margin of preference over similar foreign goods shown in that schedule.

*Article 4.*

His Majesty's Government in the United Kingdom undertake that no order will be made, and that Parliament will not be invited to pass legislation which would have the effect of reducing the margin of preference now enjoyed by Indian goods of the kinds specified in Schedule C over similar foreign goods, and further undertake that, in the event of any greater preference being accorded in respect of such goods imported from any other part of the Empire, such greater preference will be extended to similar Indian goods.

*Article 5.*

It is agreed that the duty on either wheat in grain or lead as provided in this Agreement may be removed if at any time Empire producers of wheat in grain and lead respectively are unable or unwilling to offer these commodities on first sale in the United Kingdom at prices not exceeding the world prices, and in quantities sufficient to supply the requirements of United Kingdom consumers.

*Article 6.*

His Majesty's Government in the United Kingdom will invite Parliament to pass legislation which will secure for a period of ten years from the date hereof to tobacco, which complies with the law and statutory regulations for the time being in force defining Empire goods for the purpose of customs duties, the existing margin of preference over foreign tobacco, so long, however, as the duty on foreign unmanufactured tobacco does not fall below 2*s*. 0½*d*. per lb., in which event the margin of preference shall be equivalent to the full duty.

*Article 7.*

His Majesty's Government in the United Kingdom will invite Parliament to pass legislation providing for the admission into the United Kingdom free of duty from all sources of the goods specified in Schedule D.

*Article 8.*

His Majesty's Government in the United Kingdom undertake that they will co-operate in any practicable scheme that may be agreed between the manufacturing, trading and producing interests in the United Kingdom and India for promoting, whether by research, propaganda or improved marketing, the greater use of Indian cotton in the United Kingdom.

*Article 9.*

His Majesty's Government in the United Kingdom will invite the Governments of the non-self-governing colonies and protectorates to accord to India any preference which may, for the time being, be accorded to any other part of the British Empire, provided that this clause shall not extend to any preferences accorded by Northern Rhodesia to the Union of South Africa, Southern Rhodesia and the Territories of the South African High Commission by virtue of the Customs Agreement of 1930, and, further, will invite the governments of the colonies and protectorates, shown in Schedule E, to accord to India new or additional preferences on the commodities and at the rates shown therein.

*Article 10.*

The Government of India will invite the Legislature to pass the legislation necessary to secure to the United Kingdom goods of the kinds specified in Schedule F. which comply with the laws and statutory regulations for the time being in force defining Empire goods for the purpose of customs duties the margins of preference over similar foreign goods shown in that schedule.

*Article 11.*

The Government of India will consider, in the light of the findings of the Tariff Board, the protective duties to be imposed on goods of cotton and artificial silk according as they are made in the United Kingdom or elsewhere, and will invite the Legislature to pass legislation by which, where protective duties are not imposed as a result of the recommendation of the Tariff Board upon United Kingdom goods of the kinds specified in Schedule G, the margins of preference shown in that schedule will be extended to such goods.

*Article 12.*

The Government of India will invite the Legislature to pass the legislation necessary to secure to the colonies and protectorates and the mandated territories of Tanganyika, the Cameroons under British mandate and Togoland under British mandate, preferences on the commodities which comply with the laws and statutory regulations for the time being in force defining Empire goods for the purpose of customs duties and at the rates shown in Schedule H, and also any preferences from time to time accorded to the United Kingdom if His Majesty's Government in the United Kingdom so request. Provided that the Government of India shall not be bound to accord any preferences to any colony or protectorate which, not being precluded by international obligations from according preferences either (*i*) accords to India no preferences, or (*ii*) accords to some other part of the Empire (in the case of Northern Rhodesia, excepting the Union of South Africa, Southern Rhodesia and the territories of the High Commission) preferences not accorded to India.

*Article 13.*

His Majesty's Government in the United Kingdom declare that they will maintain their existing policy under which tariff preferences accorded to any Dominion are also accorded to India, and the Government of India, for their part, declare that it is their intention to extend to the United Kingdom any tariff preferences which they may accord to any Dominion.

*Article 14.*

This agreement between His Majesty's Government in the United Kingdom and the Government of India shall continue in force until a date six months after notice of denunciation has been given by either party.

Provided that in the event of circumstances arising which in the opinion of either party necessitate a change in the rates of duty or margins of preference settled by the agreement on any particular description of goods, that party shall notify and consult with the other party with a view to adjustments being agreed upon. If no agreement is reached within six months of the date of such notice it shall then be open to the original party to give to the other party six months' notice of his intention to carry into effect the change desired in the rate of duty or margin of preference on goods of the description named in the original notice, and to bring the revised rate or rates into operation at the expiration of this period.

Signed on behalf of His Majesty's Government in the United Kingdom.

STANLEY BALDWIN.

Signed on behalf of the Government of India:

ATUL C. CHATTERJEE

(Initialled) R. B. H.

August 20, 1932.

SCHEDULE A.

| Description of Goods. | Rate of Duty. |
|---|---|
| Wheat, in grain .. .. .. | 2*s*. per quarter. |
| Rice, husked, including cargo rice and cleaned rice whole, but not including broken rice | 1*d*. per lb. |
| Castor oil, linseed oil, coconut oil, ground-nut oil, rape oil and sesamum oil .. .. | 15 per cent. *ad valorem*. |
| Magnesium chloride .. .. .. | 1*s*. per cwt. |
| Linseed .. .. .. .. | 10 per cent. *ad valorem*. |

SCHEDULE B.

| Description of Goods. | Margin of Preference. |
|---|---|
| Coffee .. .. .. .. | 9*s*. 4*d*. per cwt. |

SCHEDULE C.

Tea.

Coir yarn.

Coir mats and matting.

Cotton yarns, unbleached, up to No. 40 Count.

Cotton manufactures.

Leather, undressed—hides, other than sole leather.

Leather, undressed—skins.

Jute manufactures.

Oil-seed cake and meal.

Paraffin wax.

Spices.

Teak and other hardwoods, whether hewn or sawn, in so far as now subject to duty

Woollen carpets and rugs.

Bran and pollard.

Rice meal and dust.

Tobacco.

Caster seed.

Magnesite.

Sandalwood oil.

Granite setts and curbs.

Ground-nuts.

Lead.

SCHEDULE D

Shellac, seed lac and stick lac.

Jute, raw.

Myrabolams.

Rice, broken.

Mica slabs and splittings.

Crotalaria juncea and any other varieties of Indian hemp that can be distinguished

## SCHEDULE E.

(1) Ceylon.

(a) At a rate of not less than 10 per cent. *ad valorem*—

Cotton piece-goods.
Cotton yarn.
Fresh fruits and vegetables.
Dried, salted and preserved fruits and vegetables.
Pig lead (but not lead sheets, tea lead or foil) Iron and steel.
Teak and other hardwoods.
Perfumery.
Coriander seed.
Beans.
Apparel.
Boots and shoes.
Woollen carpets and rugs.

(b) At specific rates—

Tea at the rate of 12½ cents. per lb.
Coffee, raw, roasted or ground, at the rate of 6 cents per lb.
Tobacco manufactures, at rates to be subsequently determined.

(2) Those Governments of British Malaya with whose tariff policy it is consistent to impose duties on the commodities in question.

(a) At a rate of not less than 10 per cent. *ad valorem*—

Tanned hides and skins.
Brass, bronze, brassware and bronzeware.
Copper and copperware.
Paraffin wax.
Perfumery.
Ground-nuts.
Cotton piece-goods.
Fishmaws and sharkfins.

(b) At 2 cents per lb.—

Ground-nut oil (kachang oil).
Gingelly oil.

## SCHEDULE F.

NOTE.—The 10 per cent. preference granted to the United Kingdom by the agreement does not extend to commodities in the following classes :—

(1) Those free of duty under Part I of Schedule II of the Indian Tariff Act.

(2) Those dutiable under the following entries in Part II of Schedule II of the Indian Tariff Act : 27A, 29, 43A, 43B, 45B.

(3) Articles dutiable under Part III of Schedule II of the Indian Tariff Act.

(4) Articles dutiable under Part IV of Schedule II of the 'ndian Tariff Act, excepting entries No. 60, 61 and 62.

(5) Articles which are liable to protective duty at special rates under Part VII of Schedule II of the Indian Tariff Act.

| Specification in Annual Statement of Sea-borne Trade of British India. | Rate of Preference *ad valorem*. |
|---|---|
| | Per cent. |
| Apparel (excluding hosiery and boots and shoes)— | |
| 1. Apparel (including drapery, uniforms, accoutrements)* .. | 10 |
| 2. Apparel—caps, bonnets and hatters' ware* .. .. | 10 |
| 3. Apparel—second-hand clothing* .. .. .. | 10 |
| Arms, ammunition— | |
| 4. Filled cartridge cases .. .. .. | 10 |
| 5. Empty cartridge cases .. .. .. | 10 |
| 6. Firearms .. .. .. .. | 10 |
| Asbestos— | |
| 7. Asbestos manufactures .. .. .. .. | 10 |
| 8. Boots and shoes of leather .. .. .. .. | 10 |

| Specification in Annual Statement of Sea-borne Trade of British India. | Rate of Preference *ad valorem*. |
|---|---|
| | Per cent. |
| Brushes and brooms— | |
| 9. Brushes (paint and varnish) .. .. .. | 10 |
| 10. Toilet brushes .. .. .. .. | 10 |
| 11. Brushes (other than toilet and paint and varnish) .. .. | 10 |
| Building and engineering materials, other than of iron, steel or wood— | |
| 12. Firebricks .. .. .. .. .. | 10 |
| 13. Cement, Portland .. .. .. .. | 10 |
| 14. Cement, other than Portland .. .. | 10 |
| 15. Tiles, other than glass tiles .. .. .. | 10 |
| 16. Other kinds (except asphalt, bricks, chalk, lime and clay) .. | 10 |
| Buttons— | |
| 17. Buttons, metal .. .. .. .. | 10 |
| Chemicals and chemical preparations (excluding chemical manures and medicines) | |
| 18. Tartaric acid .. .. .. .. | 10 |
| 19. Other acids (except acetic, carbolic, citric, oxalic and tartaric) .. | 10 |
| 20. Anhydrous ammonia .. .. .. .. | 10 |
| 21. Other ammonia and salts thereof .. .. .. | 10 |
| 22. Disinfectants other than naphthalene .. .. .. | 10 |
| 23. Bichromate of potassium .. .. .. | 10 |
| 24. Potassium compounds, other sorts (except chlorate and cyanide) .. | 10 |
| 25. Bichromate of soda .. .. .. .. | 10 |
| 26. Cyanide of sodium .. .. .. .. | 10 |
| 27. Caustic soda .. .. .. .. .. | 10 |
| 28. Sodium carbonate (soda ash and soda crystals) .. | 10 |
| 29. Soda compounds, other (except bicarbonate, borax and sodium silicate) | 10 |
| 30. Other sorts of chemicals (except those indicated above as separately distinguished, and except alum, arsenic, calcium carbide, glycerine, lead compounds, ferrous sulphate, magnesium compounds, sulphur and zinc compounds) .. .. .. | 10 |
| 31. Cocoa and chocolate .. .. .. .. | 10 |
| 32. Confectionery .. .. .. .. .. | 10 |
| 33. Cordage and rope of vegetable fibre (excluding jute and cotton) .. | 10 |
| 34. Cork manufactures .. .. .. .. .. | 10 |
| 35. Cutlery (except pruning knives) .. .. | 10 |
| Drugs and medicines (except chemicals and narcotics)— | |
| 36. Proprietary and patent medicines .. .. .. | 10 |
| 37. Other sorts (except aloes, asafœtida camphor, cocaine, morphia, opium, sarsaparilla and storax) .. .. | 10 |
| Earthenware and porcelain— | |
| 38. Earthenware, except pipes and sanitary ware .. .. | 10 |
| 39. Porcelain, electrical .. .. .. .. | 10 |
| 40. Porcelain, other kinds .. .. .. .. | 10 |

* In so far as they are not subject to duty under Nos. 45A and 133 of the Indian Tariff Act.

| Specification in Annual Statement of Sea-borne Trade of British India | Rate of Preference *ad valorem*. Per cent. |
|---|---|
| Furniture and cabinetware— | |
| 41. Bedsteads .. .. .. .. .. .. | 10 |
| 42. Wooden furniture, other than bedsteads .. .. | 10 |
| 43. Furniture of other materials, except bedsteads .. .. | 10 |
| 44. Glue .. .. .. .. .. .. | 10 |
| Hardware (excluding cutlery and electro-plated ware)— | |
| 45. Builders' hardware such as locks, hinges, door bolts, etc. .. | 10 |
| 46. Domestic, other than enamelled iron-ware .. .. | 10 |
| 47. Enamelled iron-ware .. .. .. .. .. | 10 |
| 48. Gas mantles .. .. .. .. | 10 |
| 49. Implements and tools other than agricultural implements and machine tools .. .. .. .. .. .. .. | 10 |
| 50. Lamps, metal .. .. .. .. | 10 |
| 51. Parts of lamps, other than glass .. .. .. | 10 |
| 52. Safes and strong boxes of metal .. .. .. .. | 10 |
| 53. Stoves .. .. .. .. .. .. | 10 |
| 54. Other sorts (except agricultural implements, buckets of tinned or galvanised iron, lamps of glass) .. .. .. .. | 10 |
| Instruments, apparatus and appliances and parts thereof, electrical (including telephone and telegraph apparatus not being machinery)— | |
| 55. Electric fans and parts thereof .. .. .. .. | 10 |
| 56. Electric wires and cables .. .. .. .. | 10 |
| 57. Standard lighting lamps .. .. .. .. | 10 |
| 58. Batteries .. .. .. .. .. .. | 10 |
| 59. Accumulators (including parts) in so far as they are not subject to duty under No. 42A of schedule II of the Indian Tariff Act .. | 10 |
| 60. Accumulators (including parts) in so far as they are subject to duty under No. 42A of Schedule II of the Indian Tariff Act .. | 7½ |
| 61. Electric lighting accessories and fittings (including switches) . | 10 |
| 62. Meters (other than telegraphic and telephonic) .. .. | 10 |
| 63. Other electrical instruments (other than telegraphic and telephonic), except meters .. .. .. .. .. | 10 |
| 64. Electro medical apparatus (including X-ray) .. .. | 10 |
| 65. Other electrical goods and apparatus (except electric wires and cables, telegraph and telephone instruments and apparatus, flash lights, parts and accessories of electric lamps, carbons, condensers, bell apparatus and switch boards) .. .. | 10 |
| Musical— | |
| 66. Pianos and piano players complete .. .. .. | 10 |
| 67. Talking machines and accessories (except records) .. .. | 10 |
| 68. Other musical instruments and parts (except organs and harmoniums complete and talking machines and records) .. .. | 10 |
| Photographic— | |
| 69. Cinematograph films, raw, *i.e.*, blank films on which no picture has been impressed .. .. .. .. .. .. | 10 |
| 70. Photographic, other than above enumerated and exposed cinematograph films .. .. .. .. .. .. .. | 10 |
| 71. Photographic plates and papers .. .. .. | 10 |
| 72. Scientific and philosophical .. .. .. .. | 10 |
| 73. Surgical .. .. .. .. .. .. | 10 |
| 74. Wireless apparatus in so far as it is dutiable under No. 43 of Schedule II of the Indian Tariff Act .. .. .. .. | 10 |
| 75. Other instruments, etc., not indicated above as separately distinguished in the Trade Returns (except optical), including domestic refrigerators .. .. .. .. .. | 10 |

| Specification in Annual Statement of Sea-borne Trade of British India. | Rate of Preference *ad valorem*. Per cent. |
|---|---|
| Leather— | |
| 76. Skins, tanned or dressed .. .. .. .. | 10 |
| 77. Unwrought .. .. .. .. | 10 |
| 78. Leather cloth (including artificial leather) .. .. | 10 |
| 79. Other manufactures of leather (except pickers, roller skins, saddlery and harness and bags and trunks) .. .. .. | 10 |
| Liquors, including denatured and perfumed spirits— | |
| 80. Ale and beer in bottle .. .. .. .. | 10 |
| 81. Ale and beer in other containers, including barrels .. .. | 10 |
| 82. Spirit present in drugs, medicines or chemicals .. .. | 10 |
| 83. Spirit, perfumed .. .. .. .. .. | 10 |
| Machinery and millwork— | |
| 84. All sorts subject to duty under No. 96 of the Indian Tariff Act, including sewing and knitting machines and parts thereof, and typewriters and parts thereof .. .. .. .. .. | 10 |
| Metals and ores— | |
| 85. Aluminium circles .. .. .. .. | 10 |
| 86. Aluminium sheets .. .. .. .. | 10 |
| 87. Other aluminium manufactures (except unwrought ingots, blocks. bars, etc.) .. .. .. .. | 10 |
| Brass, bronze and similar alloys and manufactures thereof— | |
| 88. Wrought : Mixed or yellow metal for sheathing .. .. | 10 |
| 89. Wrought : Rods .. .. .. .. .. | 10 |
| 90. Wrought : Sheets .. .. .. .. .. | 10 |
| 91. Wrought : Tubes .. .. .. | 10 |
| 92. Wrought : Wire .. .. .. .. | 10 |
| 93. Wrought : Other sorts .. .. .. .. | 10 |
| Copper— | |
| 94. Wrought : Rods .. .. .. .. | 10 |
| 95. Wrought : Sheets .. .. .. .. | 10 |
| 96. Wrought : Tubes .. .. .. .. | 10 |
| 97. Wrought : Wire, excluding telegraph and telephone .. .. | 10 |
| 98. Other copper manufactures (except braziers) .. .. | 10 |
| 99. German silver (including nickel silver) .. .. .. | 10 |
| 100. Iron and steel, all sorts, which are subject to duty under Nos. 60, 61, 62 and 97 of Schedule II of the Indian Tariff Act .. .. | 10 |
| Lead, wrought— | |
| 101. Pipes and tubes .. .. .. .. .. | 10 |
| 102. Sheets (other than sheets for tea chests) .. .. .. | 10 |
| Zinc or Spelter— | |
| 103. Wrought or manufactured .. .. .. .. | 10 |
| Oils— | |
| 104. Fish oil .. .. .. .. .. | 10 |
| 105. Essential—synthetic .. .. .. .. | 10 |
| 106. Natural essential oils (except almond, bergamot, gajuputti, camphor, cloves, eucalyptus, lavender, lemon, otto rose and peppermint) .. | 10 |
| 107. Lubricating (mineral) other than batching.. .. .. | 10 |
| 108. Mineral : Paints, solutions and composition, dangerous, flashing below 76°F. .. .. .. .. .. | 10 |
| 109. Vegetable non-essential oil (except coconut, ground-nut and linseed) | 10 |
| 110. Oil-cloth and floor-cloth .. .. .. .. | 10 |
| 111. Packing, engine and boiler of all kinds (excluding asbestos) .. | 10 |

| Specification in Annual Statement of Sea-borne Trade of British India. | Rate of Preference *ad valorem* Per cent. |
|---|---|
| Paints and painters' materials— | |
| Paints and colours— | |
| 112. Blue paint or Paris blue .. .. .. .. | 10 |
| 113. Enamels, prepared .. .. .. .. | 10 |
| 114. Red lead, genuine dry .. .. .. .. | 10 |
| 115. White lead, genuine dry .. .. .. .. | 10 |
| 116. Zinc white, genuine dry .. .. .. .. | 10 |
| 117. Other sorts (except barytes, graphite, reduced dry red lead and white lead, moist white lead, reduced dry zinc white and moist zinc white). | 10 |
| Other than paints and colours— | |
| 118. Goods, other than turpentine and turpentine substitute and varnish .. | 10 |
| Paper and Pasteboard— | |
| Paper— | |
| 119. Packing paper .. .. .. .. .. | 10 |
| 120. Printing paper (except newsprint) .. .. .. | 10 |
| 121. Writing paper in large sheets .. .. .. .. | 10 |
| 122. Envelopes imported separately .. .. .. — | 10 |
| 123. Other kinds of paper (except "note and letter-paper and envelopes" and old newspaper in bales and bags .. .. | 10 |
| 124. Paper manufactures .. .. .. .. .. | 10 |
| Pasteboard, millboard and cardboard of all kinds— | |
| 125. Other than strawboards .. .. .. .. | 10 |
| 126. Manufactures of pasteboard, millboard and cardboard .. .. | 10 |
| Provisions and oilman's stores— | |
| 127. Canned or bottled fruits .. .. .. .. | 10 |
| 128. Tinned or canned fish .. .. .. .. | 10 |
| 129. Other canned and bottled provisions n. e. s. (except vegetable products – vegetable ghi and fat, etc.) .. .. | 10 |
| 130. Milk, condensed and preserved, including milk cream .. .. | 10 |
| Rubber manufactures— | |
| 131. Pneumatic motor covers .. .. .. .. | 10 |
| 132. Pneumatic motor tubes .. .. .. .. | 10 |
| 133. Pneumatic motor-cycle covers .. .. .. .. | 10 |
| 134. Pneumatic cycle covers .. .. .. .. | 10 |
| 135. Pneumatic cycle tubes .. .. .. .. | 10 |
| 136. Solid rubber tyres for motor vehicles .. .. .. | 10 |
| 137. Other manufactures, except apparel, boots and shoes (and except pneumatic motor-cycle tubes) .. .. | 10 |
| 138. Smokers' requisites (excluding tobacco) .. .. .. | 10 |
| 139. Soap : Toilet .. .. .. .. .. | 10 |
| 140. Stationery (excluding paper), pencils (excluding slate pencils) .. | 10 |
| 141. Other sorts .. .. .. .. .. | 10 |
| Textiles— | |
| Haberdashery and millinery— | |
| 142. Lace and embroidery* .. .. .. .. | 10 |
| 143. Other sorts (except towels not in the piece)* .. | 10 |
| Wool— | |
| 144. Worsted yarn for weaving .. .. .. .. | 10 |
| 145. Knitting wool .. .. .. .. .. | 10 |

* In so far as they are not subject to duty under Nos. 45A and 133 of Schedule II of the Indian Tariff Act.

| Specification in Annual Statement of Sea-borne Trade of British India. | Rate of Preference, *ad valorem.* |
|---|---|
| | Per cent. |
| Manufactures— | |
| 146. Carpets and floor rugs .. .. .. | 10 |
| 147. Hosiery .. .. .. .. | 10 |
| 148. Piece-goods .. .. .. .. | 10 |
| 149. Shawls .. .. .. .. | 10 |
| 150. Other sorts (except blankets and rugs) .. .. | 10 |
| 151. Toilet requisites not specified elsewhere in the trade returns .. .. .. .. | 10 |
| Toys and requisites for games and sports (including fishing tackle)— | |
| 152. Toys .. .. .. .. .. | 10 |
| Requisites for games and sports (excluding fire-arms, etc.)— | |
| 153. Playing cards .. .. .. .. | 10 |
| 154. Other .. .. .. .. .. | 10 |
| 155. Umbrellas and umbrella fittings .. .. | 10 |
| Vehicles— | |
| 156. Carriages and carts not mechanically propelled (excluding railway carriages, trucks, etc.) .. .. | 10 |
| 157. Parts of carriages and carts (excluding rubber tyres) .. | 10 |
| 158. Cycles (other than motor cycles) imported entire or in sections .. .. .. .. | 10 |
| 159. Parts of cycles and accessories (other than of motor cycles) (excluding rubber tyres) .. .. | 10 |
| 160. Motor cars (including taxicabs) .. .. | 7½ |
| 161. Motor amnibuses .. .. .. .. | 7½ |
| 162. Chassis of motor omnibuses, motor vans and motor lorries .. .. .. .. | 7½ |
| 163. Parts of mechanically propelled vehicles and accessories other than of aircraft (excluding rubber tyres) .. | 7½ |

## SCHEDULE G.

| | Rate of Preference *ad valorem.* |
|---|---|
| | Per cent. |
| Apparel (including drapery, uniforms, accoutrements)* .. | 10 |
| Apparel—caps, bonnets and hatters' ware* .. .. | 10 |
| Apparel—second hand clothing* .. .. .. | 10 |
| Canvas, cotton .. .. .. .. | 10 |
| Shawls, in the piece, cotton .. .. .. | 10 |
| Lace and patent net, cotton .. .. .. | 10 |
| Fents, cotton, 9 yards long or less .. .. .. | 10 |
| Other sorts of cotton manufactures (excluding twist and yarn, piece-goods, thread for sewing, blankets, handkerchiefs in the piece, hosiery, rope and towels in the piece) .. | 10 |
| Lace and embroidery* .. .. .. .. .. | 10 |
| Other sorts of haberdashery and millinery* .. .. | 19 |
| Silk manufactures, excluding yarn, noils and warps, piece-goods and thread for sewing .. .. .. | 10 |
| Goods of silk mixed with other materials, excluding twist and yarn, piecegoods and thread for sewing .. .. | 10 |
| Artificial silk manufactures, excluding yarn, piece-goods and thread for sewing .. .. .. .. | 10 |
| Goods of artificial silk, mixed with other materials excluding twist and yarn, piece-goods and thread for sewing .. | 10 |

* In so for as they are not subject to duty under Nos. 45A and 133 of Schedule II of the Indian Tariff Act.

## SCHEDULE H.

(a) Preferences at a rate of not less than 10 per cent. *ad valorem*—

Asphalt.
Beeswax.
Soda ash, including calcined, natural and soda manufactured sesqui-carbonates.
Gum Arabic.
Gum benjamin, ras and cowrie.
Gum dammer.
Dammer batu, unrefined.
Rosin.
Cutch.
Gambier, all sorts.
Citronella oil.
Cinnamon oil,
Cinnamon-leaf, oil
Coconuts, husked, unhusked and other kinds, copra or coconut kernel, coconut oil, coir fibre, coir yarn, coir mats and matting,
Fish dry, unsalted.
Fish dry, salted.
Fish, canned.
Fresh vegetables.
Vegetables, dried, salted or preserved.
Fruit and vegetables, canned and bottled.
Fruit juices.
Sisal and aloe fibre.
Ivory, unmanufactured.
Oil seeds (other than essential).
Vegetable oils (other than essential).
Plumbago.
Sago and tapioca (but not sago flour),
Vanilla beams.

And so long as it is consistent with India's Tariff Policy to impose Customs duties on the commodities in question—

Fresh fruits (other than coconuts).
Dried, salted or preserved fruits.

(b) At a rate of $7\frac{1}{2}$ per cent. *ad valorem*—

Betelnuts.
Unground spices.

And, so far as preferences are granted to the United Kingdom, drugs and medicines and apparel of all kinds.

(c) Preferences at specific rates—

Bitters at the rate of 3-12 Rs. per gallon.
Coffee at the rate of 1 anna per lb.
Rum at the rate of 3-12 Rs. per proof gallon
Tea at the rate of 2 annas per lb.
Unmanufactured tobacco at rates to be subsequantly determined.

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COPY OF CORRESPONDENCE BETWEEN SIR GEORGE RAINY AND SIR HORACE WILSON, IN REGARD TO GALVANISED SHEET.

September 22, 1932

Sir,

When the agreement between the British and Indian Delegations was made at Ottawa it was found necessary to postpone a final settlement of certain questions relating to iron and steel. By Article 1 of the Agreement His Majesty's Government in the United Kingdom undertook to continue after the 15th November free entry to all classes of Indian goods covered by the Import Duties Act. It was clearly understood, however, between the two Delegations that the continuance of the free entry of Indian iron and steel for a longer period than six months from the date of the agreement was dependent on the settlement of satisfactory conditions in regard to the tariff treatment of galvanised sheet on importation into India. At the same time an understanding was reached that the conditions which would be satisfactory to His Majesty's Government in the United Kingdom were as follows:—

(1) On the basis of present selling prices, the duties on galvanised sheet in the Indian tariff to be adjusted as follows :—

30 rupees per ton on sheet made in the United Kingdom from Indian sheet bar.
53 rupees per ton on sheet made in the United Kingdom from other sheet bar.
83 rupees per ton on sheet not made in the United Kingdom.

(2) In the event of further reductions in the price of sheet imported into India and not made in the United Kingdom, the Government of India, as soon as they are satisfied that a fall in prices had in fact occurred, would, without an enquiry by the Tariff Board, take prompt and effective action to meet the situation by the imposition of an additional duty. The amount of the additional duty would not necessarily be limited to the amount of the price reduction actually made, but would be sufficient to make clear the intention of the Government of India to maintain prices.

(3) Each Government would remain at liberty to take appropriate measures to prevent sales at unfair prices by the manufacturers in the other country, or to check an unnecessary increase in prices against the consumer by a combination of manufacturers in both countries.

(4) These arrangements to remain in force until action is taken by the Government of India following the next statutory Tariff enquiry in India into the Iron and Steel industry.

2. The Indian Delegation are now prepared to undertake, on behalf of the the Government of India, that proposals will be placed before the Indian Legislature for the adjustment of the duties on galvanised sheet at the rates set forth in clause (1) above, and for obtaining the powers which are necessary to carry out the intention of clauses (2) and (3). I have been authorised by my colleagues of the Indian Delegation to make this communication to you, and I have now the honour to request that you will inform me whether the terms of the understanding have been correctly stated in this letter.

I am, etc.,

(Signed) GEORGE RAINY.

Sir Horace Wilson, K. C. B., C. B. E.,

Chief Industrial Adviser to His Majesty's Government in the United Kingdom.

September 22, 1932.

Sir,

I have to thank you for your letter of to-day's date on the subject of the tariff treatment to be accorded to galvanised sheets imported into India, and to confirm that the terms of the understanding which has been reached in this connection by our respective Governments are accurately set out in your letter.

I am, etc.,

(Signed) H. J. WILSON,

Sir George Rainy, K. C. S. I., K. C. I. E.,

India House, Aldwych, W. C. 2.

## PART VII.

### UNITED KINGDOM—SOUTHERN RHODESIAN AGREEMENT.

We, the representatives of His Majesty's Government in the United Kingdom and of the Government of Southern Rhodesia, hereby agree with one another, on behalf of our respective Governments, as follows :—

*Article 1.*

His Majesty's Government in the United Kingdom undertake that Orders shall be made in accordance with the provisions of section 4 of the Import Duties Act, 1932, which will ensure the continuance after the 15th November, 1932, of entry free of duty into the United Kingdom of Southern Rhodesian goods which comply with the law and statutory regulations for the time being in force affecting the grant of Imperial Preference, and which by virtue of that Act are now free of duty, subject, however, to the reservation set forth in Schedule A appended hereto.

*Article 2.*

His Majesty's Government in the United Kingdom will invite Parliament to pass legislation which will secure for a period of ten years from the date hereof to tobacco, which complies with the law and statutory regulations for the time being in force affecting the grant of Imperial Preference, the existing margin of preference over foreign tobacco, so long, however, as the duty on foreign unmanufactured tobacco does not fall below 2*s*. 0½*d*. per lb., in which event the margin of preference shall be equivalent to the full duty. They will further endeavour to take such steps as may be practicable, on the lines which have been discussed, to assist the marketing of Southern Rhodesian tobacco.

*Article 3.*

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foregin goods specified in Schedule B appended hereto, the duties of customs shown in that schedule in place of the duties, if any, now leviable.

*Article 4.*

His Majesty's Government in United Kingdom will invite Parliament to pass the legislation necessary to secure to Southern Rhodesian coffee which complies with the law and statutory regulations for the time being in force, affecting the grant of Imperial Preference a margin of preference of 9*s*. 4*d*. per cwt. over foreign coffee.

*Article 5.*

His Majesty's Government in the United Kingdom undertake that the general *ad valorem* duty of 10 per cent. imposed by section 1 of the Import Duties Act, 1932, on the foreign goods specified in Schedule C shall not be reduced except with the consent of the Government of Southern Rhodesia.

*Article 6.*

The duty on copper provided in this agreement is conditional on the Empire producers of copper continuing to offer this commodity on first sale in the United Kingdom at a price not exceeding the world price.

*Article 7.*

His Majesty's Government in the United Kingdom will invite the Governments of the non-self-governing colonies and protectorates to accord to Southern Rhodesia any preference which may for the time being be accorded to any other part of the British Empire, and further will invite the Governments of all the colonies and protectorates which are free to grant preferences so to adjust their customs duties chargeable upon cigarettes and manufactured tobacco that a lesser duty shall be chargeable upon such articles when manufactured within the Empire from tobacco grown within the Empire than upon such articles when manufactured from foreign tobacco.

*Article 8.*

The Government of Southern Rhodesia will invite Parliament to pass the legislation necessary to secure to United Kingdom goods of the kinds specified in Schedule D the margins of preference shown in that schedule, and to amend the existing duties upon foreign goods of the kind specified in Schedule E so as to provide for alternative specific duties as shown in that schedule.

*Article 9.*

The Government of Southern Rhodesia will favourably consider, when economic and budgetary considerations permit, the further extension of preferences accorded to United Kingdom goods.

*Article 10.*

The Government of Southern Rhodesia will invite Parliament to accord to the non-self-governing colonies and protectorates and the mandated territories of Tanganyika, the Cameroons under British mandate, and Togoland under British mandate, preferences on the commodities and at the rates shown in the Schedule F appended hereto, and also any preferences for the time being accorded to the United Kingdom, if His Majesty's Government in the United Kingdom so request.

*Article 11.*

This agreement between His Majesty's Government in the United Kingdom and the Government of Southern Rhodesia is to be regarded as coming into effect as from the date hereof (subject to the necessary legislative or other action being taken as soon as may be practicable hereafter). It shall continue in force for a period of five years, and if not denounced six months before the end of that period, shall continue in force thereafter until a date six months after notice of denunciation has been given by either party.

In the event of circumstances arising which, in the judgment of His Majesty's Government in the United Kingdom or of the Government of Southern Rhodesia, as the case may be, necessitate a variation in the terms of the agreement, the proposal to vary those terms shall form the subject of consultation between the two Governments.

Signed on behalf of His Majesty's
Government in the United Kingdom :
STANLEY BALDWIN.

Signed on behalf of the Government
of Southern Rhodesia :
H. U. MOFFAT.

(Initialled) R. B. H.
August 20, 1932.

SCHEDULE A.

As regards eggs, poultry, butter, cheese and other milk products, free entry for produce of Southern Rhodesia will be continued for three years certain. His Majesty's Government in the United Kingdom, however, reserve to themselves the right, after the expiration of three years, if they consider it necessary, in the interests of the United Kingdom producer to do so, to review the basis of preference, so far as relates to the articles enumerated and, after notifying the Government of Southern Rhodesia, either to impose a preferential duty on produce of Southern Rhodesia, whilst maintaining existing preferential margins, or, in consultation with the Government of Southern Rhodesia, to bring such produce within any system which may be put into operation for the quantitative regulation of supplies from all sources in the United Kingdom market.

## SCHEDULE B.

| | |
|---|---|
| Maize, flat, white .. .. .. | 10 per cent. *ad valorem.* |
| Butter .. .. .. .. | 15*s.* per cwt. |
| Cheese .. .. .. .. | 15 per cent *ad valorem.* |
| Eggs in shell— | |
| (*a*) Not exceeding 14 lbs. in weight per great hundred | 1*s.* per great hundred. |
| (*b*) Over 14 lbs. but not exceeding 17 lbs. | 1*s.* 6*d.* per great hundred. |
| (*c*) Over 17 lbs .. .. .. | 1*s.* 9*d.* per great hundred. |
| Copper, unwrought, whether refined or not, in ingots, bars, blocks, slabs and rods. | 2*d.* per lb. |
| Oranges, fresh .. .. .. | 3*s.* 6*d.* per cwt. from April 1 to November 30. |
| Grapefruit, fresh .. .. .. | 5*s.* per cwt. from April 1 to November 30. |

## SCHEDULE C.

Asbestos.
Ground nuts.
Kaffir corn and meal.
Potatoes.

## SCHEDULE D.

| Tariff Item. | Description of Goods. | Margin of Preference. |
|---|---|---|
| 119 (*b*) | Batteries, electrical ; wet or dry, primary or secondary, including accumulators .. .. | 15 per cent. *ad valorem.* |
| ex 149 | Typewriters and parts thereof .. .. | 15 per cent. *ad valorem.* |
| ex 119 (*a*) | Electrical material (except cable and wire) .. | 10 per cent. *ad valorem.* |
| 154 | Wireless telegraphy and telephony instruments and apparatus used in the working thereof, except batteries .. .. .. .. | 15 per cent. *ad valorem.* |
| [illegible]9 and 130 | Motor cars, parts and accessories— The grant of increased preference to the United Kingdom will be considered when the present advantag to exporters caused by the state of the exchanges has ceased. | |
| 99 | Cutlery, not gold or silver, nor gold or silver-plated | 20 per cent. *ad valorem.* |
| 172 (*b*) | Glassware (except bottles and jars and plate and window glass) .. .. .. .. | 15 per cent. *ad valorem.* |

## SCHEDULE E.

| — | Description of Goods. | Revised Rates. |
|---|---|---|
| | *Piece goods, not including blanketing*— | *Ad valorem* rates to remain as at present —but alternative specific duties of 1½*d.* per yard on cotton and 3*d.* per yard on silk and rayon to be imposed. |
| 76 (*a*) | Of silk or artificial silk or mixtures thereof with any other material. | |
| 76 (*b*) | All other n. e. e. | |

## SCHEDULE F.

| Commodities. | Margin of Preference. |
|---|---|
| Tea .. .. .. .. .. .. | 2*d.* per lb. |
| Coffee, raw .. .. .. .. .. | 1*d.* per lb. |
| Cocoa, raw .. .. .. .. .. | 1*d.* per lb. |
| Cigars .. .. .. .. .. | 2*s.* per lb. |
| Rum and bitters .. .. .. .. | 3*s.* per imperial proof gallon. |

## PART VIII.

### ANNOUNCEMENT BY HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM.

*Duties on Bananas and Grapefruit.*

His Majesty's Government in the United Kingdom announced during the course of the Conference that they would invite Parliament to convert the present duty on bananas into a specific duty of two shillings and six pence per hundredweight and to extend the duty on grapefruit to cover the whole year.

## SECOND SCHEDULE.

PROVISIONS AS TO CUSTOMS DUTIES CHARGEABLE UNDER SECTION ONE.

### PART I.

TABLE OF DUTIES.

| Class or description of Goods. | Rate of Duty. | Period during which duty charged. |
|---|---|---|
| Wheat in grain .. .. .. | 2s. per qtr. of 480 lbs. | |
| Maize, flat, white .. .. .. .. | 10 per cent. | |
| Rice, husked, including cargo rice and cleaned rice whole but not including broken rice. | 1d. per lb. | |
| Butter .. .. .. .. | 15s. per cwt. | |
| Cheese .. .. .. .. | 15 per cent. | |
| Eggs in shell :— | | |
| (a) not exceeding 14 lbs. in weight per great hundred .. | 1s. per great hundred. | |
| (b) over 14 lbs. but not exceeding 17 lbs. in weight per great hundred. | 1s. 6d. per great hundred. | |
| (c) over 17 lbs. in weight per great hundred .. | 1s. 9d. per great hundred. | |
| Condensed Milk, whole— | | |
| Not sweetened .. .. .. | 6s. per cwt. | |
| Sweetened, or slightly sweetened .. .. | 5s. per cwt. | |
| Milk Powder and other preserved milk, excluding condensed milk— | | |
| Not sweetened .. .. .. | 6s. per cwt. | |
| Fresh or raw fruit— | | |
| Apples .. .. .. .. | 4s. 6d. per cwt. | |
| Pears .. .. .. .. | 4s. 6d. per cwt. | |
| Bananas .. .. .. .. .. | 2s. 6d. per cwt. | |
| Oranges .. .. .. | 3s. 6d. per cwt. | April 1 to November 30. |
| Grapefruit .. .. .. | 5s. per cwt. | |
| Grapes other than hothouse .. .. .. | $1\frac{1}{2}$d. per lb. | February 1 to June 30. |
| Peaches and Nectarines .. .. | 14s. per cwt. | December 1 to March 31. |
| Plums .. .. .. .. .. | 9s. 4d. per cwt. | December 1 to March 31. |
| Preserved or dried fruit— | | |
| Apples preserved in syrup .. .. .. | 3s. 6d. per cwt. | |
| Figs and fig cake, plums (commonly called french plums and prunelloes), plums not otherwise described, prunes and raisins. | 3s. 6d. per cwt. | |
| Other fruits (except stoned cherries) preserved in syrup. | 15 per cent. | |
| Honey .. .. .. .. | 7s. per cwt. | |
| Linseed .. .. .. .. | 10 per cent. | |
| Cod liver oil .. .. .. .. | 1s. 4d. per gallon. | |
| Castor oil .. .. .. .. | 15 per cent. | |
| Linseed oil .. .. .. .. | 15 per cent. | |
| Coconut oil .. .. .. .. | 15 per cent. | |
| Ground-nut oil .. .. .. | 15 per cent. | |
| Rape oil .. .. .. .. | 15 per cent. | |
| Sesamum oil .. .. .. .. | 15 per cent. | |
| Chilled or frozen salmon .. .. .. | $1\frac{1}{2}$d. per lb. | |
| Copper, unwrought, whether refined or not, in ingots, bars, blocks, slabs, cakes, or rods. | 2d. per lb. | |
| Magnesium chloride .. .. .. | 1s. per cwt. | |

## PART II.

### MISCELLANEOUS PROVISIONS AS TO DUTIES.

1. In the case of goods of a class or description in relation to which a period is specified in the third column of Part I of this Schedule, the respective duties shall, instead of being charged continuously, be charged only from time to time for the period so specified.

2. Any period so specified shall be deemed to include both dates by reference to which it is defined.

3. References in the second column of Part I of this Schedule to a rate of duty of ten per cent. or a rate of duty of fifteen per cent. shall be construed as references to a rate of duty of ten or fifteen per cent., as the case may be, of the value of the goods.

4. For the purpose of Part I of this Schedule, the expression "great hundred" means one hundred and twenty.

5. Where apples imported into the United Kingdom are consigned direct to a registered cider factory, the Commissioners may, subject to such conditions as they may impose for securing that the apples are used for the making of cider in that factory, allow the apples to be imported free of any duty chargeable under section one of this Act.

The Commissioners, if it is shown to their satisfaction that any premises in the United Kingdom are occupied and used for the purpose of making cider, shall, on an application made to them in that behalf and on payment by the applicant of a fee of one pound, register those premises for the purposes of this paragraph as a cider factory, and the expression "registered cider factory" in this paragraph means premises so registered.

## PART III.

### ENACTMENTS APPLIED.

| Enactment. | Subject matter. |
|---|---|
| Import Duties Act, 1932— | |
| Section nine .. | .. Power of Board of Trade to require information. |
| Section ten | .. Prevention of disclosure of information. |
| Section eleven .. | .. Provision as to shipbuilding yards. |
| Section thirteen .. | .. Provision for importation free of duty of goods imported with a view to re-exportation. |
| Section fourteen .. | .. Provision as to re-importation of goods, liable to duty under Act. |
| Section fifteen .. | .. Value of goods for purpose of Act. |
| Section sixteen .. | .. Determinaton of disputes as to value of goods. |
| Second Schedule .. | .. Recommendation and allowance of drawback. |
| Finance Act, 1932— | |
| Section nine .. | .. Further provision for drawback of duties under Part I of the Import Duties Act, 1932. |

The enactments set out in this Part of this Schedule shall have effect in relation to goods chargeable with a duty of customs under section one of this Act as they have effect in relation to goods chargeable with a duty of customs under the Import Duties Act, 1932, as if references to any duty chargeable under that Act or any provisions thereof included a reference to any duty chargeable under the said section one.

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## THIRD SCHEDULE.

### AMENDMENTS OF 18 GEO. 5, C. 5.

## PART I.

### AMENDMENTS CONSEQUENTIAL ON EXTENSION OF SECTION ONE TO ALL CANADIAN CATTLE.

| Provision amended. | Amendment. |
|---|---|
| Sub-section (1) of section one .. | The word "store" shall be omitted, and the following proviso shall be inserted at the end of the sub-section, *viz.* :— "Provided that the Minister may require any such cattle to be slaughtered as aforesaid if, in his opinion, they could be used for breeding, and are not suitable for that purpose." |

| Provision amended. | Amendment. |
|---|---|
| Sub-section 8 of section one .. | The following words shall be substituted for the words from " store cattle " to the end of the sub-section, *viz.* :— " ' cattle ' has the meaning assigned to it by sub-section (1) of section fifty-nine of the principal Act as originally enacted." |
| Section two .. | The following words shall be omitted, *viz.*, the word " store " the words from " in the case of " to " therefrom, and if ", and the words " other than tuberculosis." |

PART II.

MINOR AMENDMENTS OF SUB-SECTION (2) OF SECTION 1.

| Provision amended. | Amendment. |
|---|---|
| Paragraph (*a*) .. | The word " indelibly " shall be omitted. |
| Paragraph (*c*) .. | In sub-paragraph (*i*) the words " one clear day " shall be substituted for " three clear days " and sub-paragraph (*iv*) shall be omitted. |

The 24th December 1932.

**No. F. 102-XLVI-32-C. & G.**—Whereas in the Legislative Department notification No. F.-102 XLVI-32-C. & G., dated the 19th November, 1932, the Burma (European) constituency was called upon, in accordance with sub-rule (1) of rule 26 of the Legislative Assembly Electoral Rules to elect a member before the 13th February 1933 ;

And whereas no person has been duly nominated as a candidate for election in the said constituency ;

Now, therefore, in pursuance of sub-rule (3) of rule 14 of the Legislative Assembly Electoral Rules the Governor-General is pleased to call upon the said constituency to elect a person in accordance with the said Rules before the 11th February 1933.

D. G. MITCHELL,

Offg. Secy. to the Govt. of India.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

New Delhi, the 19th December 1932.

**No. 3313-G.**—The services of Syed Hamid Mukhtar Shah, B.A., Deputy Superintendent of Police, Punjab, who was appointed Watch and Ward Officer in the Legislative Assembly Department as a temporary measure, are replaced at the disposal of the Government of the Punjab with effect from the afternoon of the 17th December 1932.

S. C. GUPTA,

Secretary to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATION.

TARIFFS.

New Delhi, The 24th December 1932.

**No. 780-T. (11).**—In exercise of the powers conferred by sub-section 3B of section 3 of the Indian Tariff Act, 1894 (VIII of 1894), and by section 22 of the General Clauses Act, 1897 (X of 1897), the Governor General in Council is pleased to make the following Rules:—

RULES.

Short title. 1. These Rules may be called the Ottawa Trade Agreement Rules, 1932.

Applications. 2. These Rules apply to goods consigned from the following countries, namely:—

(*a*) The United Kingdom of Great Britain and Northern Ireland, and

(*b*) The Colonies, British Protectorates, and territories under the British Mandate specified in the First Schedule.

3. In these Rules—

Definitions.

(a) "Act" means the Indian Tariff Act, 1894.

(b) "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland;

(c) "British Colony" means any country specified in the First Schedule;

(d) "expenditure on material" means the cost to the manufacturer of the material at the factory or works, including containers but excluding Royalties; and

(e) "factory or works cost" means the cost of production to the manufacturer at the factory or works and shall include the value of containers and other forms of interior packing ordinarily sold with the article when it is sold retail, but shall not include the manufacturer's or exporter's profit or the cost of exterior packing, carriage to port and other charges incidental to the export of the article subsequent to its manufacture.

Conditions for admission at preferential rates.

4. No article shall be deemed to be the produce or manufacture of any country to which these Rules apply unless the Customs Collector is satisfied that it has been consigned from such country, and—

(a) where the article is unmanufactured, that it has been grown or produced in such country, and

(b) where the articles is manufactured,—

(i) that it has been wholly manufactured in such country from material produced in such country, or

(ii) that it has been wholly manufactured in such country from unmanufactured materials, or

(iii) that it has been partially manufactured in such country and the final process of manufacture has been performed in such country and that the expenditure on material produced and labour performed in such country in the manufacture of the article is not less than one quarter of the factory or works cost of the article in its finished state:

Provided that where the goods were consigned from a British Colony the material produced and labour performed in any other British Colony may be reckoned as though it were material produced or labour performed in the Colony from which the goods are consigned.

Customs House procedure for goods entered for home consumption.

5. If the owner of any goods entered for home consumption claims that they are chargeable with a preferential rate of duty, but is unable at the time of entry to satisfy the Customs Collector that the goods fulfil the conditions laid down in Rule 4, the Customs Collector—

(i) shall levy and collect the duty at the standard rate, and, if at any time within a period of three months from the date of payment of duty at the standard rate he receives an application in this behalf from the owner of the goods and is duly satisfied that the goods are entitled to entry at the preferential rate, shall make a refund to the owner of the extra duty levied; or

(ii) may, in his discretion, levy and collect the duty provisionally at the preferential rate, subject to the execution by the owner of the goods of a bond in one of the forms prescribed in the Second Schedule binding himself to pay the balance of the duty.

Customs House procedure for goods entered for warehousing.

6. (1) If the owner of any goods entered for warehousing claims that they are chargeable with a preferential rate of duty, but is unable at the time of entry to satisfy the Customs Collector that the goods fulfil the conditions laid down in Rule 4, the Customs Collector shall assess duty at the standard rates.

(2) If the Customs Collector is satisfied before the goods are removed from the warehouse that they are chargeable with a preferential rate of duty, he shall re-assess them accordingly at the time of such removal

(3) If the goods are removed from the warehouse without the Customs Collector being so satisfied, they may be dealt with in the manner prescribed in Rule 5.

Power to levy unpaid balances as duty short-levied.

7. Where any payment of duty due under a bond has not been made in accordance therewith, and upon demand being made, the Customs Collector may, in his discretion and without prejudice to his power to enforce the bond, recover the amount due at any time as if it were duty short-levied within the meaning of section 39 of the Sea Customs Act.

FIRST SCHEDULE.

[*See Rules 2 (b) and 3 (c).*]

LIST OF BRITISH COLONIES.

*East Africa.*

1. Kenya, Uganda Protectorate, and the Mandated Territory of Tanganyika.
2. Northern Rhodesia.
3. Nyasaland Protectorate.
4. Somaliland Protectorate.
5. Zanzibar Protectorate.

*South Africa* (including St. Helena).

6. Basutoland.
7. Bechuanaland Protectorate.
8. Swaziland.
9. St. Helena.

*West Africa.*

10. Gambia.
11. Gold Coast.
12. Togoland under British Mandate.
13. Nigeria.
14. The Cameroons under British Mandate.
15. Sierra Leone.

*Eastern and Far Eastern.*

16. Ceylon.
17. Hong-Kong.
18. Federated Malay States
19. Unfederated Malay States, *i.e.*, Johore, Kedah, Kalantan, Perlis and Trengganu.
20. Mauritius.
21. North Borneo.
22. Sarawak.
23. Seychelles.
24. Straits Settlements.

*Mediterranean.*

25. Cyprus.
26. Gibraltar.
27. Malta.

*Pacific.*

28. British Solomon Islands Protectorate.
29. Fiji.
30. Gilbert and Ellice Islands.
31. Tonga.
32. New Hebrides (Condominium).

*West Indian* (including the Falkland Islands).

33. Bahamas.
34. Barbados.
35. Bermuda.
36. British Guiana.
37. British Honduras.
38. Jamaica.
39. Cayman Islands.
40. Turks and Caicos Islands.
41. Leeward Islands, *i.e.*, Antigua, Dominica, Montserrat, St. Christopher-Nevis and the Virgin Islands.
42. Trinidad and Tobago.
43. Windward Islands, *i.e.*, Grenada, St. Lucia and St. Vincent.
44. Falkland Islands.

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SECOND SCHEDULE.

[*See Rule 5 (ii).*]

FORM A.

KNOW ALL MEN by these presents that $\frac{\text{I}}{\text{we}}$ of and of $\frac{\text{am}}{\text{are}}$ held and firmly bound unto the Right Honourable the Secretary of State for India in Council in the sum of Rs. to be paid to the said Secretary of State in Council, his successors or assigns for which payment, well and truly to be made $\frac{\text{I}}{\text{we}}$ bind $\frac{\text{myself}}{\text{ourselves}}$ and each of us $\frac{\text{my}}{\text{our}}$ and each of

our heirs and legal representatives firmly by these presents sealed with $\frac{\text{my}}{\text{our}}$ respective seals dated this............day of............19 .

WHEREAS $\frac{\text{I am}}{\text{we are}}$ the importer(s) of the goods named below which to the best of $\frac{\text{my}}{\text{our}}$ belief fulfil the conditions laid down by the rules made under sub-section 3B of section 3 of the Indian Tariff Act 1894 for determining their eligibility to a preferential rate of duty under Part VIII or Part IX of the Second Schedule to that Act AND WHEREAS $\frac{\text{I}}{\text{we}}$ have not been able to produce at the time of making entry of such goods at the Custom House evidence to satisfy the Customs Collector that those conditions ar fulfilled AND WHEREAS the Customs Collector has agreed provisionally to accept duty at the preferential rate pending the production of such evidence and $\frac{\text{I}}{\text{we}}$ have agreed that if such evidence is not presented to the Customs Collector within three months of the date of this bond or being so presented is not accepted by him as satisfactory $\frac{\text{I}}{\text{we}}$ will pay to the Customs Collector on demand the difference between the duty paid at the preferential rate and the duty leviable at the standard rate on the said goods NOW the condition of this bond is such that if the necessary evidence as aforesaid shall be produced to the Customs Collector within the said period and he shall accept such evidence as satisfactory or if $\frac{\text{I}}{\text{we}}$ shall pay on demand the difference between the duty paid at the preferential rate and the duty leviable at the standard rate on the said goods, then the above-written bond shall be void, otherwise the same shall be and remain in full force and virtue.

Signed, sealed and delivered by the above-named in the presence of—

FORM B.

KNOW ALL MEN by these presents that $\frac{\text{I}}{\text{we}}$ of and of $\frac{\text{am}}{\text{are}}$ held and firmly bound unto the Right Honourable the Secretary of State for India in Council in the sum of Rs. to be paid to the said Secretary of State in Council his successors or assigns for which payment well and truly to be made $\frac{\text{I}}{\text{we}}$ bind $\frac{\text{myself}}{\text{ourselves}}$ and each of us $\frac{\text{my}}{\text{our}}$ and each of our heirs and legal representatives firmly by these presents sealed with $\frac{\text{my}}{\text{our}}$ respective seals, dated this .... day of ............ 19 ..

WHEREAS $\frac{\text{I am}}{\text{we are}}$ a regular importer(s) of goods which fulfil the conditions laid down by the rules made under sub-section (3B) of section 3 of the Indian Tariff Act 1894, for determining their eligibility to preferential rates of duty under Part VIII or Part IX of the Second Schedule to that Act AND WHEREAS it is likely that from time to time $\frac{\text{I}}{\text{we}}$ may not be able to produce at the time of making entry of goods at the Customs House evidence to satisfy the Customs Collector that those conditions are fulfilled and that the goods, particulars of which are contained in the bill of entry, are assessable to customs duty at the preferential rate AND WHEREAS the Customs Collector at ...... has agreed that if, having regard to the nature or particulars of such goods as detailed in such bill of entry, he is of opinion that it is likely that the necessary evidence is capable of being produced to satisfy him that the goods are entitled to be assessed for customs duty at the preferential rate he will provisionally accept duty on such goods at the preferential rate pending the production by $\frac{\text{me}}{\text{us}}$ of the necessary evidence, and $\frac{\text{I}}{\text{we}}$ have undertaken that in every such case $\frac{\text{I}}{\text{we}}$ will within three months from the date of making entry of such goods present such evidence to the Customs Collector and that if such evidence is not in every case presented within the period aforesaid or if being presented it is not accepted by the Customs Collector $\frac{\text{I}}{\text{we}}$ will forthwith on demand pay to the Customs Collector the difference between the duty paid on such goods at the preferential rate and the duty leviable at the standard rate AND WHEREAS it has been further agreed with Customs Collector that the security given by these presents shall cover a total sum representing the difference between such rates of duty of Rs. $\frac{X}{2}$ and that if and whenever the total unadjusted claims by the Customs Collector against $\frac{\text{me}}{\text{us}}$ in respect of such unpaid duty shall amount to more than Rs. $\frac{X}{2}$ the Customs

Collector may refuse to consider the possibility of evidence being procurable though not available at the time of making entry of any further goods unless $\frac{I}{we}$ shall offer to the Customs Collector and he shall be willing to accept a further bond in similar terms hereto for such amount as the Customs Collector shall decide NOW the condition of the above written bond or obligation is such that if the necessary evidence as aforesaid shall be produced to the Customs Collector within three months from the respective dates of making the entry from time to time of any such goods and the Customs Collector shall accept such evidence or if the difference between the duty paid on any such goods at the preferential rate and the duty leviable at the standard rate shall from time to time be paid by $\frac{me}{us}$ on the demand of the Customs Collector then the above written bond or obligation shall be void; otherwise the same shall be and remain in full force and virtue.

Signed, sealed and delivered by the abovenamed in the presence of—

**No. 780-T (12).**—In pursuance of sub-section (2) of section 1 of the Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932, the Governor-General in Council is pleased to appoint the 1st January, 1933, as the date on which the said Act shall come into force.

J. C. B. DRAKE,

Secretary to the Government of India.

RESOLUTION.

BENGAL PILOT SERVICE.

New Delhi, the 19th December 1932.

**No. 226-P. & L. (7)/32.**—The Governor-General in Council is pleased to nominate the following gentlemen as representatives of European and Indian Commerce of Calcutta, respectively, on the Advisory Pilot Committee, constituted in the Government of India, Department of Commerce, Resolution No. 214-M.-11 (7)/29, dated the 20th February, 1929, for the year 1933:—

(1) Mr. A. O. Brown of Messrs. Mackinnon Mackenzie & Co.

(2) Rai A. C. Banerjee Bahadur, M.A., of Messrs. A. C. Banerjee and Company.

ORDERED that this Resolution be published in the *Gazette of India*.

A. RAISMAN,

Joint Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

New Delhi, the 22nd December 1932.

**No. F.6-12/32-H.**—The services of Major P. A. Dargan, I.M.S., are placed permanently at the disposal of the Government of the Punjab with effect from the 17th April, 1931.

RAM CHANDRA,

Joint Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

New Delhi, the 20th December 1932.

**No. E.-10.**—Messrs. K. L. H. Wadley and T. A. Creaner whose appointment to the Indian Service of Engineers as Assistant Executive Engineers on probation was announced in this Department's notification No. E.-22, dated the 11th November, 1930, are confirmed in their appointments.

J. A. SHILLIDY,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA, EXTRAORDINARY," NEW DELHI, MONDAY, JANUARY 2, 1933.

## FOREIGN AND POLITICAL DEPARTMENT.

## ORDER OF THE STAR OF INDIA.

NOTIFICATION.

New Delhi, the 2nd January 1933.

**No. 1-S. I.**—His Excellency the Grand Master of the Most Exalted Order of the Star of India is pleased to announce that His Imperial Majesty The KING, EMPEROR OF INDIA, has been graciously pleased to make the following promotions in, and appointments to, the said Order :—

TO BE KNIGHTS COMMANDER.

* * * * * * *

The Honourable Sir HENRY DUFFIELD CRAIK, *Bart.*, C.S.I., Indian Civil Service, Member of the Executive Council of the Governor of the Punjab.

* * * * * * *

TO BE COMPANIONS.

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ARTHUR RALPH ASTBURY, Esq., C.I.E., Indian Service of Engineers, Secretary to Government (Electricity) and Commercial Manager, Hydro-Electric Branch, Public Works Department, Punjab.

C. C. WATSON,
Secretary to the Most Exalted
Order of the Star of India.

## FOREIGN AND POLITICAL DEPARTMENT.

## ORDER OF THE INDIAN EMPIRE.

NOTIFICATION.

New Delhi, the 2nd January 1933.

**No. 2-I. E.**—His Excellency the Grand Master of the Most Eminent Order of the Indian Empire is pleased to announce that His Imperial Majesty The KING, EMPEROR OF INDIA, has been graciously pleased to make the following promotions in, and appointments to, the said Order :—

TO BE KNIGHTS GRAND COMMANDER.

Honorary Colonel His Excellency Sir GEOFFREY FITZHERVEY DEMONTMORENCY, K.C.S.I., K.C.I.E., K.C.V.O., C.B.E., Governor of the Punjab.

* * * * * * *

TO BE COMPANIONS.

Captain SHER MOHAMMAD KHAN, M.B.E., M.L.A., of Jhelum, Punjab.

CHARLES GERALD TREVOR, Esq., Indian Forest Service, Chief Conservator of Forests, Punjab and North-West Frontier Province.

C. C. WATSON,
Secretary to the Most Eminent
Order of the Indian Empire.

## FOREIGN AND POLITICAL DEPARTMENT.

## ORDER OF THE BRITISH EMPIRE.

NOTIFICATION.

New Delhi, the 2nd January 1933.

**No. 3-H.**—His Imperial Majesty The KING, EMPEROR OF INDIA, has been graciously pleased to give orders for the following promotions in, and appointments to, the Most Excellent Order of the British Empire :

TO BE A KNIGHT COMMANDER.

*Civil Division.*

The Honourable Khan Bahadur Captain Sardar SIKANDAR HYAT KHAN, M.B.E., Member of the Executive Council of the Governor of the Punjab.

TO BE MEMBERS.

*Civil Division*

* * * * * * *

Sheikh FAIZ MUHAMMAD, M.L.C., of Dera Ghazi Khan, Punjab.

* * * * * * *

C. C. WATSON,

Political Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

## KNIGHTHOOD.

NOTIFICATION.

New Delhi, the 2nd January 1933.

**No. 5-H.**—His Imperial Majesty The KING, EMPEROR OF INDIA, has been graciously pleased to confer the honour of Knighthood on :—

The Honourable Malik FIROZ KHAN NOON, Barrister-at-Law, Minister to the Governor of the Punjab for Education.

C. C. WATSON,

Political Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

## KAISAR-I-HIND MEDAL.

NOTIFICATION.

New Delhi, the 2nd January 1933.

**No. 7-H.**—His Excellency the Viceroy and Governor-General is pleased to award the Kaisar-i-Hind Medal of the Second Class for Public Service in India to :—

JULIA, MRS. WALTON (wife of Colonel C. Walton, lately Agent, North-Western Railway, Punjab).

C. C. WATSON,

Political Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATIONS.

New Delhi, the 2nd January 1933.

**No. 13-H.**—His Excellency the Viceroy and Governor-General is pleased to confer the title of Diwan Bahadur, as a personal distinction, upon—

Rai Bahadur Lala Amar Nath Nanda, lately Superintending Engineer, Public Health Circle, Lahore, Punjab.

**No. 14-H.**—His Excellency the Viceroy and Governor General is pleased to confer the title of Sardar Bahadur, as a personal distinction, upon—

Honorary Captain Sardar Sahib Damodar Singh, Honorary Magistrate, Rawalpindi, Punjab.

**No. 15-H.**—His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Bahadur, as a personal distinction, upon—

Khan Sahib Chaudhri Abdul Haq, Deputy Superintendent of Police, Punjab.

Mian Mushtaq Ahmad Gurmani, M.L.C., *Rais*, Thatta Gurmani, Muzaffargarh District, Punjab.

Chaudhri Nadir Khan, Punjab Civil Service, Additional District Magistrate, Campbellpur, Punjab.

Khan Sahib Sheikh Muhammad Naqi, Honorary Magistrate, Lahore.

Khan Sahib Faqir Hussain, M.B.E., I.D.S.M., Superintendent of Post Offices (Retired), Sialkot Division.

**No. 16-H.**—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Bahadur, as a personal distinction, upon—

Mian Lal Singh, Punjab Civil Service, Deputy Commissioner, Gujrat District, Punjab.

Rai Sahib Lala Ajudhia Nath Khosla, Indian Service of Engineers, Executive Engineer, Public Works Department, Irrigation Branch, Punjab.

Rai Sahib Lala Shibbu Mal, Punjab Civil Service, District and Sessions Judge, Punjab.

**No. 19-H.**—His Excellency the Viceroy and Governor-General is pleased to confer the title of Sardar Sahib, as a personal distinction, upon—

Sardar Beant Singh, Officiating Deputy Registrar, Co-operative Societies, Punjab.

Sardar Bishan Singh, Punjab Civil Service, Extra Assistant Commissioner, Ludhiana, Punjab.

Bhai Hira Singh, L.M.S., Civil Surgeon, Campbellpur, Punjab.

**No. 20-H.**—His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Sahib, as a personal distinction, upon—

Sheikh Muhammad Amin, Barrister-at-Law, Jhang, Punjab.

Sayyid Hamid Mukhtar Shah, Deputy Superintendent of Police, Punjab.

Muhammad Khan, Zaildar, Bishandot, Tahsil Kahuta, Rawalpindi District, Punjab.

Munshi Abdul Rahman Khan, Tahsildar, Nuh, Gurgaon District, Punjab.

Shaikh Barkat Ali, Inspector of Police, Punjab.

Qazi Fazl-i-Haq, Lecturer in Persian, Government College, Lahore, Punjab.

Muhammad Ali Khan, Contractor, Public Works Department, Irrigation Branch, Punjab.

Mirza Abdul Aziz, Head Clerk, Office of the Superintendent, Mechancial Workshops, North Western Railway.

**No. 21-H.**—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Sahib, as a personal distinction, upon—

Lala Labha Ram, Assistant Engineer, Public Works Department, Irrigation Branch, Punjab.

Diwan Manna Lal, Honorary Magistrate, Bhakkar, Mianwali District, Punjab.

Lala Mukand Lal Dhawan Lecturer in Mathematics, Government College, Lahore, Punjab.

Lala Ram Jawaya Kapur, Proprietor, Kapur Art Printing Press, Lahore, Punjab.

Lala Raghunath Rai, Punjab Civil Service, Sub-Divisional Officer, Khanewal, Multan District, Punjab.

Lala Devi Ditta Mal, Inspector of Fisheries, Punjab.

Lala Kidar Nath Kapur, Advocate, Campbellpur, Punjab.

C. C. WATSON,

Political Secretary to the Government of India.

## HOME DEPARTMENT.

## KING'S POLICE MEDAL.

NOTIFICATION.

(POLICE)

New Delhi, the 2nd January 1933.

**No. F.-25/V/32-Police.**—His Majesty the KING EMPEROR OF INDIA, has been pleased to confer the King's Police Medal, and in two cases a bar to the Medal previously awarded, on the following officers and men of the Indian Police establishments.

| Name of officer and rank. | Statement of services for which in particular the decoration has been conferred. |
|---|---|
| * * | * * |
| | PUNJAB. |
| *24. Narindar Singh, Sub-Inspector. | This officer had held charge of Police Station Baghapurana in the Ferozepore District for the past three years. His jurisdiction lies in what is probably the worst dacoit-ridden area in the Province, and he was awarded the King's Police Medal on 1st January 1932 for gallantry displayed |

| Name of officer and rank. | Statement of services for which in particular the decoration has been conferred. |
|---|---|

PUNJAB—contd.

in rounding up dangerous gangs during 1929 and 1930. During the year 1931, he has eclipsed his previous record, brief accounts of a few of his recent exploits being given below :—

(1) On the 1st June 1931, a notorious armed gang had been tracked to a water course near Raunta by a combined force of the Faridkot, Nabha and Ferozepore District Police. The Deputy Superintendent of Police, Moga, with reinforcements, which included Sub-Inspector Narindar Singh, arrived on the scene to find the dacoits securely entrenched, and exchanging shots at long range with the Police party. The combined force was quickly divided into three sections and a direct attack on the dacoits' position was made, sections advancing alternately under the covering fire of the other two sections. The action resulted in the killing of two of the dacoits and the surrender of the remainder with two rifles, three shot guns, a Webley revolver, a country made pistol, and a large quantity of ammunition. Sub-Inspector Narindar Singh, who commanded one of the sections, particularly distinguished himself on this occasion, and was largely responsible for the success of the action.

(2) On the 28th June 1931, three Camel Sowars, who were on patrol, suddenly encountered two armed dacoits among some sand-hills. The dacoits opened fire and the Sowars, taking up a suitable position, returned the fire. One of the dacoits, however, managed to escape, but two of the Sowars kept the other engaged, while information was sent to Sub-Inspector Narindar Singh. This officer arrived on the scene with a few men, and without any hesitation charged the dacoit's position and shot him dead.

(3) On the 10th August 1931, the Sub-Inspector received information that a notorious gang was in a house in village Tharaj. With his usual promptness he collected a party of Police and villagers, surrounded the house, and called upon the dacoits to surrender. On receiving no reply he climbed on the roof and shouted that he proposed to burn them out. The dacoits from inside asked if he were the " big thanedar " of Baghapurana, and on receiving a reply in the affirmative the gang emerged from the house naked, leaving their arms and ammunition inside. Sub-Inspector Narindar Singh's well known reputation undoubtedly prevented a difficult and dangerous engagement and in all probability prevented casualties on both sides.

(4) On the 22nd December 1931, this officer was again in action against dacoits at village Raunta. With a party of Police and villagers he surrounded a house, in which a well-armed gang was concealed. He first tried the device, which was so successful at Tharaj, but the dacoits refused to surrender, and opened heavy fire through a doorway. For some time shots were exchanged, and then the Sub-Inspector, with one or two of his men, mounted the roof, and having made a hole, threw in a lighted bundle of fodder soaked in kerosene oil. When the house was well alight the dacoits surrendered with three shot guns, one five chambered revolver, and a quantity of ammunition, including 41 empty cases, which had

| Name of officer and rank. | Statement of services for which in particular the decoration has been conferred. |
|---|---|
| | PUNJAB--*contd.* |
| | been expended in firing at the Police. The fire was promptly extinguished, after which it was found that one of the dacoits had been shot dead inside the house Two Constables were slightly injured in this encounter, but the fearless conduct of the Sub-Inspector undoubtedly prevented more serious casualties among the Police. |
| | Sub Inspector Narindar Singh, by his conspicuous bravery, devotion to duty, and power of leadership, in dealing with these desperate gangs, has won the admiration, and earned the gratitude of the general public. He is now awarded a bar to his King's Police Medal. |
| *25. Sarwar Khan, Constable | On the 18th of June 1931, this Foot Constable who had only a little over a year's service to his credit was patroling the bank of the Chenab river on the look-out for signs of cattle thieves. The river was in flood and the current was particularly strong. At about 2 P.M., the constable after a short halt at a well continued his patrol and a few moments later the villagers to whom he had been talking were startled by his cries on the bank of the river. They rushed to the scene and found that two students aged 16 and 11 had gone to the river to bathe. Both had been quickly swept away by the strong current and the Foot Constable, who had just seen the hands of a human being above the surface of the river, without hesitation jumped in to the rescue. With great difficulty he succeeded in bringing the younger boy to the bank and saving his life. At the spot where the Constable jumped in there was a dangerous whirlpool infested by crocodiles and as the Constable had previously visited the locality he was aware of the dangerous nature of the river. The danger is fully proved by the fact that the body of the other boy was later recovered and found to be half eaten up. |
| *26. Khem Singh, Constable.. | Mounted Constable Khem Singh has been a Camel Sowar in the Ferozepore district for the last fifteen years, and during this period his duties have consisted mainly in patrolling a dacoit infested area. He has taken a leading part in numerous raids and has always been prominent in action against well armed and desperate gangs for which this District is notorious. |
| | On the 28th June, 1931, he and three other Camel Sowars were on patrol near village Roda when information was received that two dacoits had been seen in the vicinity. The Sowars set off in pursuit led by Mounted Constable Khem Singh, and after going a short distance were fired on by the dacoits who had taken up a safe position behind a sand hill. Mounted Constable Khem Singh immediately dismounted and returned the fire. One of the dacoits ran off pursued by two of the Sowars, while Khem Singh engaged the other until reinforcements arrived, and then took a prominent part in the subsequent charge which resulted in the death of the dacoit, who was then identified as the notorious Sundar wanted for no less than fifteen dacoities. |
| | On 28th April 1932, Mounted Constable Khem Singh was a member of a party which raided a house in which the notorious Jagta was reported to be hiding in village Mudki. He was the first of the party to burst into the courtyard and Jagta promptly fired his gun at very short range wounding Mounted Constable Khem Singh in the thigh The dacoit then bolted into the house and attempted to take up a commanding position on the roof. However, as soon as he appeared on the roof, Mounted |

| Name of officer and rank. | Statement of services for which in particular the decoration has been conferred. |
|---|---|
| | PUNJAB—*concld.* |
| | Constable Khem Singh, inspite of his injuries, which were causing him considerable pain, coolly took aim with his rifle and short Jagta in the left side, dropping him to the ground, where he was secured by the rest of the party. |
| *27. Kishen Chand, Constable, Government Railway Police. | Foot Constable Kishan Chand was on train escort duty on the night of 22nd/23rd April when ten dangerous life-sentence convicts overpowered their police escort and escaped from the train taking with them four muskets and sixty rounds of ammunition. As soon as he was aware of what was happening Foot Constable Kishan Chand, with Head Constable Amar Nath and Foot Constable Sher Zaman set off in pursuit of the escaping convicts. After covering about 600 yards Head Constable Amar Nath was mortally wounded by fire opened by the convicts and Kishan Chand was seriously injured in the thigh. Although suffering much pain and unable to advance any further Foot Constable Kishan Chand remained in an exposed position and continued to fire upon the convicts. This gang was desprate and planned its escape in detail, intending to form a band and to attack Europeans, Police Stations and treasuries.<br><br>The spirited attack made upon them by Amar Nath, Kishan Chand and Sher Zaman completely disorganised the plans of the gang, broke them up into two parties and caused them to lose their way, thus greatly facilitating the subsequent pursuit which resulted in the capture of seven of the convicts and the recovery of 3 muskets and forty rounds of ammunition. Foot Constable Kishan Chand showed gallantry and courage of a high order, both when supporting his Head Constable and after the latter had been mortally wounded. |
| *28. Dayal Singh, Head Constable. | Pali of village Mayanwala in the Ferozepore district was the leader of one of the most dangerous gangs of dacoits and murderers with which the police of Ferozepore has had to contend in recent years. The gang established a reign of terror throughout large tracts of the district and although the police were successful in capturing various members of the gang from time to time, Pali evaded arrest and carried on his criminal campaign. On the 30th April 1932 Head Constable Dayal Singh received information that Pali was in a house in a certain village and he organized a small party of Constables and villagers and proceeded to the spot. The Head Constable leading the party into the courtyard of the house found Pali lying on a bed with his gun. Pali hastily fired a round in the darkness—fortunately without effect. He attempted to fire again but the cartridge misfired and the Head Constable was able to close with him. The gang leader then tried to escape by scaling the wall of the courtyard but the Head Constable held on and after a desperate struggle Pali was finally overpowered. |

*N. B.*—The awards in the case of officers marked with an asterisk are for conspicuous gallantry falling under Regulation 6 (*a*) of the Regulations governing the grant of the King's Police Medal and will consequently carry the allowances sanctioned in the H. D. letter No. F.-25/IV/28-Police, dated the 7th February 1930.

M. G. HALLETT,

Secretary to the Government of India,

Home Department.

## HOME DEPARTMENT.

## INDIAN POLICE MEDAL.

NOTIFICATION.

New Delhi, the 2nd January 1933.

**No. F.-114/III/32-Police.**—His Excellency the Viceroy and the Governor-General of India has been pleased to confer the Indian Police Medal on the following officers :—

| Name of officer and rank. | Statement of services for which the decoration has been conferred. |
|---|---|
| | PUNJAB. |
| 1. Muhammad Sawar Khan, Sub-Inspector of Police. | This officer joined the Police as a Sub-Inspector in 1916 and early earned a reputation for keenness and hard working. He has secured sixty-nine certificates for excellent work. On the night of the 19th of February 1931 the Sub-Inspector accompanied by a police party raided the home of Muhammad Yar, a notorious proclaimed offender wanted in a murder case of 1929. After disposing his men carefully the Sub-Inspector himself with a small section entered the courtyard. He attempted to enter a room which was closed and he ordered the inmates to open the door. In answer shots were fired from inside which compelled the police to take up a position on the roof and on either side of the door. After discharging a few more rounds Muhammad Yar, realising that he had no hope of escape, surrendered. He had with him two rifles, a double-barrel gun, one revolver and a plentiful supply of ammunition. |
| 2. Khan Bahadur Ikram-ul-Haq, Deputy Superintendent of Police. | This officer has an extraordinary record of capable and devoted service. He joined the Police as a Foot Constable in 1896 and through sheer merit attained the rank of Deputy Superintendent of Police in 1923. His early experience and his ability led to his selection for Criminal Investigation Department work and he has gained a well earned reputation for first class investigation work in this department. In many difficult cases and in trying and dangerous circumstances his resource has been a great asset and, throughout his services have been characterised by tact, enterprise, tenacity, resource and devotion to duty. |
| 3. W. W. C. Wace, Superintendent of Police. | Mr. Wace joined the Police in 1914 and served in the Army from 1915 to 1917. On return from the Army he was posted to the Railway Police and rendered very valuable service in the re-organization of that force. He later held charge of the Dera Ghazi Khan and Ambala districts with conspicuous success and showed himself to be a keen and efficient officer. From 1929 onwards he was in charge of the Rawalpindi district. During the Civil Disobedience Campaign and its allied movements he dealt with difficult and dangerous situation in an admirable manner. His administration of the police of the Rawalpindi district was of a very high order. Prior to this Mr. Wace had shown marked industry and devotion to duty in an important post in the Criminal Investigation Department. His services throughout have been most valuable and have been characterised by resource and devotion to duty and by ability much above the average. |
| 4. Sahibzada Mirza Aitizaz-ud din Ahmad Khan, Superintendent of Police. | Sahibzada Mirza Aitizaz-ud-din Ahmad Khan joined the Police as an Assistant Superintendent of Police in 1920. Early in his service he showed himself to be particularly keen and on several occasions distinguished himself in encounters with raiders and dacoits in the Attock district. Later in the Mianwali district where he acted as Superintendent of Police he rendered excellent service |

| Name of officer and rank. | Statement of services for which the decoration has been conferred. |
|---|---|
| | PUNJAB—concld. |
| | and controlled the police administration very efficiently. During the Civil Disobedience Movement of 1930 he had a very difficul charge in Ludhiana which was one of the centres of unrest. During that trying period dangerous situations arose almost daily, which required much tact, resource and strength of character. The campaign was of a most varied and protracted nature and required endless vigilance and personal attention. Sahibzada Aitizaz-ud-din bore the unparalleled strain well and handled every situation admirably. |
| 5. Rai Sahib Seth Dwarka Nath, Deputy Superintendent of Police. | This officer joined the service as a Sub-Inspector in 1906 and reached the rank of Deputy Superintendent of Police in 1918. For his valuable services he received the title of Rai Sahib in 1919 and for conspicuous gallantry during the Lahore disturbances in that year he was awarded the King's Police Medal in 1920. Since then his work has been of the same high order and he has displayed much ability in the handling of serious and important cases. He exercises great influence and commands the respect of all officers of his own department and of the other departments with whom he comes in contact and of the public generally. Since 1927 he has held charge of one of the Sub-divisions of the Railway Police with much success. His services generally has been most meritorious and during the last few trying years especially. |
| 6. M. Waryam Khan, Offg. Deputy Superintendent of Police. | This officer joined the Police as a Head Constable in the year 1899. His excellent reputation and his keenness led to his early promotion. His service has been characterised throughout by ability, energy, strength of character and devotion to duty. In all the districts in which he has served he has earned the commendation of officers of all departments and everywhere his qualities have helped him to success in his multifarious duties. His influence with the public which is based on respect for his straightforwardness and ability, has been throughout remarkable. |
| 7. M. Bhag Singh, Prosecuting Inspector of Police. | This officer joined the police in 1907 as a probationary Sub-Inspector in the executive line. While still an officer in this branch it became evident that his strong point was law and he was frequently deputed to help officers of the prosecution branch and in this he met with marked success. In 1916 he was commanded by the Commissioner of Calcutta for his services during his deputation to Calcutta in connection with the working of the Ingress into India Ordinance. On his return to the Punjab he was posted to the Criminal Investigation Department where he put in some excellent work. He rendered valuable services in the Mandi and second Lahore Conspiracy Case. M. Bhag Singh then definitely took up the prosecuting line as his early ability in this direction had developed and he soon earned the reputation of being a clever and capable prosecuting officer. He has been acknowledged by practically every officer under whom he has served to be one of the ablest prosecuting officer in the Police. His case work is sound ; his knowledge of law very deep and he argues his cases admirably. Recently he was selected to assist in the prosecution of the Delhi Conspiracy Case where he has continued to show marked keenness and ability. |

M. G. HALLETT,

Secretary to the Government of India,
Home Department.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

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LAHORE, FRIDAY, JANUARY 20, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA", NEW DELHI, SATURDAY, DECEMBER 24, 1932.

### HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

New Delhi, the 17th December 1932.

No. F.-49-14/32.—In supersession of the Home Department notification No. F.-274/22-Public, dated the 31st October 1923, the following revised table showing the relative rank of officers in the Royal Navy, the Army, the Royal Air Force and the Royal Indian Marine, to be used with the Warrant of Precedence for India promulgated with the Home Department notification No. F.-49/9/28-Public, dated the 2nd June 1930, is published for general information.

*Table showing the relative rank of officers in the Royal Navy, the Army, the Royal Air Force and the Royal Indian Marine.*

| Royal Navy. | Army. | Rayal Air Force. | Royal Indian Marine. |
|---|---|---|---|
| Admirals of the Fleet .. | Field Marshals .. | Marshals of the Royal Air Force. | .. |
| Admirals .. .. | Generals .. .. | Air Chief Marshals .. | .. |
| Vice-Admirals .. .. | Lt.-Generals .. .. | Air Marshals .. .. | .. |
| Rear-Admirals .. | Maj.-Generals .. | Air Vice-Marshals .. | .. |
| Commodores .. .. | Brigadiers .. .. | Air Commadores .. | .. |
| Captains .. .. | Colonels .. .. | Group Captains .. | Captains. |
| Commanders .. .. | Lt.-Colonels.. .. | Wing Commanders .. | Commanders. |
| Lt.-Commanders .. | Majors .. .. | Squadron Leaders .. | Lt.-Commanders. |
| Lieutenants .. .. | Captains .. .. | Flight Lieutenants .. | Lieutenants. |
| Sub-Lieutenants .. | Lieutenants .. .. | Flying Officers .. | Sub-Lieutenants. |
| Acting Sub-Lieutenants, Commissioned officers from warrant rank. | Second-Lieutenants .. | Pilot Officers, Acting Pilot Officers, (but junior to Navy and Army ranks). | No equivalent. |
| Midshipmen .. .. | No equivalent .. | No equivalent .. | No equivalent. |

*Note.*—(1) Officers of the Royal Naval Reserve and Royal Naval Volunteer Reserve, with the exception of those referred to below, rank with, but after, officers of the Royal Navy of corresponding rank in the order here given, *e.g.*, Lieutenants Royal Navy rank before Lieutenants Royal Naval Reserve, before Lieutenants Royal Naval Volunteer Reserve, and Lieutenants Royal Naval Volunteer Reserve before Sub-Lieutenants Royal Navy, whatever their seniority may be :—Lieutenant Commanders and Lieutenants of the Royal Naval Reserve and Royal Naval Volunteer Reserve holding qualified status (distinguished in the seniority lists in the Navy List by the symbol *) rank with officers of the Royal Navy of corresponding rank according to their dates of seniority. Officers holding acting rank, rank immediately after the officers holding the same confirmed rank in the same service, *e.g.*, acting Lieutenants Royal Navy rank after Lieutenants Royal Navy (confirmed), but before Lieutenants Royal Naval Reserve (confirmed) (provided the latter are not qualified officers).

(2) Officers of the Royal Naval Reserve and Royal Naval Volunteer Reserve rank with, but after, officers of the Royal Indian Marine of corresponding rank.

(3) Officers holding commissions in the Army in India Reserve of Officers rank with officers of the regular army in accordance with the dates of their commission or promotion to the different ranks.

(4) Officers of the Auxiliary Forces in India rank with, but after, officers of the regular army of their corresponding rank.

(5) In Indian waters, for ceremonial purposes only, Royal Indian Marine officers rank with but immediately after, officers of the Royal Navy, the Army and the Royal Air Force of the same or corresponding rank and seniority. For this purpose the term "Indian waters" shall be understood to extend from the north-west entrance of the Straits of Malacca to Cape Comorin, including Ceylon, and from Cape Comorin to Aden, including the Maladive and Laccadive Islands and the Persian Gulf. For other than ceremonial purposes and outside the limits mentioned above, officers of the Royal Indian Marine rank as junior to all officers of the Royal Navy, the Army and the Royal Air Force of the same or corresponding rank, irrespective of seniority.

C. W. GWYNNE,

Joint-Secretary to the Government of India.

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FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, DECEMBER 31, 1932.

## FINANCE DEPARTMENT.

### NOTIFICATION.

New Delhi, the 24th December 1932.

**No. F.-39-R. I/32.**—In exercise of the powers conferred by sub-rule (2) of rule 33, rule 37, rule 42 and clause (*d*) of rule 44 of the Civil Services (Classification, Control and Appeal) Rules (hereinafter referred to as the said rules), and with the previous sanction of the Secretary of State in Council obtained in accordance with rule 9 of the said rules), the Governor-General in Council is pleased to direct that the amendment to Fundamental Rule 51 published in the Government of India, Finance Department Notification No. F.-39-R. I/32, dated the 24th December 1932, being amendment made by the Secretary of State in Council in the Fundamental Rules after the introduction of the said rules, shall apply and, from the date on which it was made by the Secretary of State in Council, shall be deemed always to have applied to the services in respect of which power to make rules is delegated to the Governor-General in Council in the said rules.

**No. F.-39-R. I./32.**—The following Resolution by the Secretary of State for India in Council is published for general information:—

In exercise of the powers conferred by sub-section 2 of Section 96B of the Government of India Act, the Secretary of State with the concurrence of the majority of votes at a meeting of the Council of India held this 29th day of November 1932, hereby, makes the following amendments in the Fundamental Rules, namely :—

For Rule 51 of the said Rules the following shall be substituted, namely :—

"51. (1) When a Government servant is with proper sanction deputed for duty out of India, his pay shall be regulated as follows :—

(a) *If* he is deputed for duty in Europe or his deputation elsewhere is declared by the Governor-General in Council to be under *quasi*-European conditions and *if* he is sent from India for the purpose of his deputation and does not include any leave within the period of his absence from India, he shall receive—

for the first month of his absence from India the pay which he would have drawn if he had remained on duty in India, for the second month of such absence, 11/12ths of such amount, for the third month of such absence 5/6ths of such amount, for the fourth month of such absence, 3/4ths of such amount, for the fifth to tenth month of such absence, 2/3rds of such amount, and thereafter 3/4ths of such amount.

(b) *If* he is deputed for duty in Europe or his deputation elsewhere is declared by the Governor-General in Council to be under *quasi*-European conditions, and if he is not sent from India for the purpose of his deputation, or having been so sent, includes a period of leave within the period of his absence from India, he shall receive throughout his deputation 3/4ths of the pay which he would have drawn if he had remained on duty in India.

(c) *If* he is deputed for duty elsewhere than in Europe and his deputation is not declared by the Governor-General in Council to be under *quasi*-European conditions, his pay shall be determined by the Governor-General in Council with due regard to the provisions of Rule 40 of these Rules as though a temporary post had been created—

Provided that—

(a) No Government servant on deputation out of India shall draw pay at a rate exceeding Rs. 5,500 per month ;

(b) The Governor-General in Council may in any case allow a Government servant having his domicile in India to draw during the period of deputation out of India pay not exceeding the full amount of the pay which he would have drawn had he remained on duty in India, in lieu of the pay admissible to him under sub-clause (a) or sub-clause (b) of this clause.

(2) In addition to the pay admissible under clause (1) of this Rule a Government servant on deputation may be granted a compensatory allowance of such amount as the Secretary of State in Council may think fit in respect of deputation to Europe or America or as the Governor-General in Council may think fit in respect of deputation elsewhere.

(3) With effect from the 13th July, 1922, the sterling equivalent of the pay admissible under Clause (1) of this Rule shall be calculated at such rate of exchange as the Secretary of State in Council may by order prescribe."

The 29th December 1932.

**No. D.-4243-R. II.**—In exercise of the powers conferred by sub-section (3) of Section 8 of the Provident Funds Act, 1925 (XIX of 1925), the Governor-General in Council is pleased to add to the Schedule to the said Act, the name of the following public institution, namely :—

"The Imperial Bank of India".

**No. D.-4243-(b)-R. II.**—In exercise of the powers conferred by sub-section (2) of Section 8 of the Provident Funds Act, 1925 (XIX of 1925) and in supersession of the notification of the Government of India in the Finance Department, No. D.-2204 (b)-R. II/32, dated the 9th September 1932, the Governor-General in Council is pleased to direct, with reference to the notification of the Government of India in the Finance Department No. 4343-R. II, dated the 29th December 1932, that the provisions of the said Act shall apply to the provident fund established for the benefit of the employees of the Imperial Bank of India.

A. A. L. PARSONS,

Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATIONS.

New Delhi, the 29th December 1932.

**No. F.-442/32-A.**—In exercise of the power conferred by section 15 of the Indian Cotton Cess Act, 1923 (XIV of 1923), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Indian Cotton Cess Rules, 1923, namely :—

In rule 8 of the said Rules, after sub-rule (2) the following sub-rule shall be inserted, namely :—

"(3) The Committee may direct that such travelling and halting allowances as would be admissible to Government servants of the first grade serving under the Government of India shall be paid to any member of the Committee in respect of any journey performed for the purpose of attending a meeting of any other association to which he is appointed as a representative of the Committee."

RAM CHANDRA,

Joint Secretary to the Government of India.

The 29th December 1932.

**No. F.-259/32-L. & O.**—The following draft of certain further amendments to the Indian Emigration Rules, 1923, which it is proposed to make in exercise of the powers conferred by section 24 of the Indian Emigration Act, 1922 (VII of 1922), is published as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 31st March 1933.

Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Governor-General in Council :—

*Draft amendments.*

1. In rule 9 of the said Rules for the words "shall induce, or attempt to induce" the words "shall cause or assist, or attempt to cause or assist" shall be substituted.

2. In sub-rule (1) of rule 17 of the said Rules, for the words "whom he attempts to induce" the words "whom he causes or assists, or attempts to cause or assists" shall be substituted.

**No. F.-259/32-L. & O.**—The notification of the Government of India in the Revenue and Agriculture Department No. 94-E., dated the 18th March, 1886, is hereby cancelled.

**No. F.-259/32-L. & O.**—*Corrigendum.*—In the notification of the Government of India in the Department of Education, Health and Lands, No. F.-295/32-Lands and Overseas, dated the 25th August 1932, for paragraph 2, *read*—

"2. At the end of substituted rule 11 set forth in entry 3, the words 'or by a person empowered by him in this behalf under sub-rule (2) of rule 8' shall be added."

G. S. BAJPAI,

Secretary to the Government of India.

## IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH DEPARTMENT.

NOTIFICATION.

New Delhi, the 22nd December 1932.

**No. 2259-G.**—Under Rule 1 (33) of the Rules and Regulations of the Imperial Council of Agricultural Research, the Government of the Punjab have re-nominated Mr. T. F. Quirke, M.R.C.V.S., I.V.S., Director, Veterinary Services, Punjab, as the representative of the Punjab Veterinary Department on the Imperial Council of Agricultural Research with effect from the 30th November, 1932, on which date he relinquished his existing membership of the Council under the provisions of rule 5 (3) of said Rules and Regulations.

CHARAN DAS,

Secretary,

Imperial Council of Agricultural Research.

## DEPARTMENT OF COMMERCE.

NOTIFICATIONS.

COMMERCE.

New Delhi, the 31st December 1932.

**No. 25-C. (10)/32.**—Mr. S. N. Gupta, I.C.S., Indian Trade Commissioner at Hamburg, is granted leave for 80 working days with effect from the 1st January 1933 to the 4th April 1933 inclusive.

Mr. H. S. Malik, I.C.S., Deputy Indian Trade Commissioner in London, is appointed to act as Indian Trade Commissioner at Hamburg, *vice* Mr. S. N. Gupta proceeding on leave.

T. A. STEWART,

Addl. Secretary to the Government of India.

TARIFFS.

The 31st December 1932.

**No. 260-T. (153).**—In exercise of the powers conferred by sub-section (4) of section 3 of the Indian Tariff Act, 1894 (VIII of 1894), the Governor-General in Council is pleased to direct that with effect from the 1st January 1933, the following further amendment shall be made in the notification of the Government of India in the Commerce Department, No. 260-T. (127), dated the 30th December 1930, namely :—

In the table annexed to the said notification, the entries in the second, third and fourth column :

"(*b*) not fabricated—

(*i*) galvanized—Rs. 30 per ton, Rs. 67 per ton"

shall be omitted.

**No. 780-T. (11).**—In exercise of the powers conferred by sub-section (6) of section 3 of the Indian Tariff Act, 1894 (VIII of 1894), and in supersession of the notification of the Government of India in the Department of Commerce, No. 260-T. (80), dated the 12th March 1927, the Governor-General in Council is pleased to prescribe the following as the conditions subject to which an article of iron or steel shall be deemed to be of British manufacture for the purposes of section 3 of the said Act and of the second Schedule thereto, namely :—

(*i*) In the case of articles other than galvanized iron or steel sheets, the Customs Collector shall be satisfied that in the production of the article or of any part thereof (other than a component part which, if it had been imported separately, would not have been liable to protective duty under Part VII of Schedule II to the said Act) no process of manufacture other than process antecedent or incidental—

(*a*) to the production of steel blooms, billets or sheet bars if the article is an article of steel, or

(*b*) to the production of the puddled ball or to the preparation of the pile for welding if the aticle is an article of iron

has been carried out elsewhere than in the United Kingdom of Great Britain and Northern Ireland.

(*ii*) In the case of galvanized iron or steel sheets, the Customs Collector shall be satisfied that in the production of the article no process of manufacture subsequent to the production of sheet bars has been carried out elsewhere than in the United Kingdom of Great Britain and Northern Ireland.

J. C. B. DRAKE,

Secretary to the Government of India.

TARIFFS.

TARIFF VALUATIONS.

The 31st December 1932.

**No. 73-T. (105).**—In exercise of the powers conferred by section 3 of the Indian Tariff Act, 1894 (VIII of 1894), the Governor-General in Council is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Department of Commerce, No. 73-T. (93), dated the 12th December 1931, namely :—

In the heading of the Schedules to the said notification, the words and figures " For the Twelve Months January To December, 1932 " shall be omitted.

**No. 73-T. (106).**—In exercise of the powers conferred by section 3 of the Indian Tariff Act, 1894 (VIII of 1894), and in supersession of the notifications of the Government of India in the Department of Commerce, No. 73-T. (93), dated the 12th December 1931, No. 73-T. (98), dated the 2nd April 1932, and No. 73-T. (105), dated the 31st December, 1932, the Governor-General in Council is pleased to fix, with effect from the 16th January 1933, for the articles specified in column 2 of the Import and Export Tariff Schedules hereto annexed, the tariff values stated in column 4 of the said Schedules.

## TARIF VALUES.

### FOR PERIOD 16TH JANUARY TO 31ST DECEMBER, 1933.

*Note.*—Tariff-valued heads are based on the ordinary trade description of each article and cover all reduced grades and mixtures unless they are separately provided for.

IMPORT TARIFF.

| No. in Schedule II. | Names of Articles. | Per | Tariff Values. |
|---|---|---|---|
| | LIQUORS. | | Rs. A. P. |
| 29 | Spirit from Java denatured before clearance .. .. | Imperial gallon. | 0 13 9 |
| | SUGAR. | | |
| 34 | Molasses | | |
| | (*i*) imported in bulk by tank steamer .. .. | cwt. | 1 13 0 |
| | (*ii*) otherwise imported .. .. .. .. | ,, | 2 5 0 |
| | OILS. | | |
| 41 | Mineral oil which has its flashing point at or above one hundred and fifty degrees of Fahrenheit's thermometer, and is such as is not ordinarily used except as fuel or for some sanitary or hygienic purposes, if imported in bulk. | ton | 42 8 0 |
| | YARNS AND TEXTILE FABRICS. | | |
| 45A | Silk mixtures. *N. B.*—For tariff values under this item see those marked with an asterisk (*) under No. 133 below. | | |
| | METALLIC ORES, AND SCRAP IRON OR STEEL FOR RE-MANUFACTURE. | | |
| 58 | Iron or Steel, old .. .. .. .. | cwt. | 1 6 0 |
| | DYES AND COLOURS. | | |
| 58A | Alizarine, moist— | | |
| | (*a*) not exceeding 16 per cent. .. .. | cwt. | 65 0 0 |
| | (*b*) over 16 per cent. not exceeding 20 per cent. .. | ,, | 80 0 0 |
| | (*c*) exceeding 20 per cent. .. .. .. .. | ,, | 160 0 0 |
| | Alizarine, dry— | | |
| | (*a*) not exceeding 40 per cent. .. .. | lb. | 1 10 0 |
| | (*b*) exceeding 40 per cent. .. .. .. | ,, | 3 4 0 |
| | Congo red .. .. .. .. | ,, | 0 14 0 |
| | Coupling dyes of the napthol group— | | |
| | (*a*) Napthols .. .. .. .. | ,, | 6 0 0 |
| | (*b*) Rapid fast colours (rapid salts) .. .. | ,, | 9 0 0 |
| | (*c*) Bases .. .. .. .. | ,, | 4 8 0 |
| | (*d*) Other salts .. .. .. .. | ,, | 2 4 0 |
| | Vats— | | |
| | (*a*) Indigo .. .. .. .. | ,, | 1 9 0 |
| | (*b*) Carbazole blue .. .. .. | ,, | 4 0 0 |
| | (*c*) Other sorts— | | |
| | (i) Paste .. .. .. .. | ,, | 4 0 0 |
| | (ii) Powder .. .. .. .. | ,, | 15 0 0 |
| | Sulphur black .. .. .. .. | ,, | 0 9 0 |
| | Metanil yellow .. .. .. .. | ,, | 1 7 0 |
| | Auramine of concentration of 15 per cent. or less .. .. | ,, | 0 14 0 |
| | Rhodamine of concentration of 15 per cent. or less (Carthamines). | ,, | 0 14 0 |
| | Aniline salts .. .. .. .. | ,, | 0 7 6 |
| | All others .. .. .. .. | ,, | 2 0 0 |
| | GRAIN, PULSE AND FLOUR. | | |
| 68 | Cassava or Tapioca flour .. .. | cwt. | 6 8 0 |
| | PROVISIONS AND OILMAN'S STORES. | | |
| 69 | Butter .. .. .. .. | lb. | 1 1 0 |
| | *China preserves in syrup .. .. .. | box of six large or twelve small jars. | 5 8 0 |
| | *China preserves, dry candied .. .. | lb. | 0 3 6 |
| | Cocum .. .. .. .. | cwt. | 7 0 0 |
| | Ghee .. .. .. .. | ,, | 54 0 0 |
| | Vegetable product (excluding hardened coconut oil) .. | lb. | 0 4 9 |
| | Vermicelli, flour, from China and the Far East .. | cwt. | 18 0 0 |
| | Vermicelli, peas, from China and the Far East .. | ,, | 21 0 0 |
| | Vermicelli, rice, from China and the Far East .. | ,, | 17 0 0 |
| | *Yeast, from China and the Far East .. .. | ,, | 18 0 0 |
| | *N. B.*—The tariff values given in this item apply also to imports assessed to duty as canned or bottled provisons under No. 170 below. | | |

IMPORT TARIFF—*contd.*

| No. in Schedule II. | Names of Articles. | Per | Tariff value. |
|---|---|---|---|
| | | | Rs. A. P. |
| | **GUMS, RESINS AND LAC.** | | |
| 74 | Gum Ammoniac .. .. .. .. .. | cwt. | 30 0 0 |
| | Gum Bysabol (coarse myrrh) .. .. .. .. | " | 20 0 0 |
| | Gum Olibanum or frankincense .. .. .. | " | 11 0 0 |
| | Gum Persian (false) .. .. .. .. | " | 10 8 0 |
| | Myrrh .. .. .. .. .. .. | " | 20 0 0 |
| | **OILS.** | | |
| 75 | Gajuputty oil, natural, from Ceylon, Straits, China, Japan and the Far East | lb. | 1 6 0 |
| | Peppermint oil, natural, from Ceylon, Straits, China, Japan and the Far East. | " | 3 6 0 |
| | **TALLOW, STEARINE AND WAX.** | | |
| 77 | Mineral grease .. .. .. .. .. | lb. | 0 3 6 |
| | Petroleum jelly, white .. .. .. .. | " | 0 6 8 |
| | Petroleum jelly, all other sorts .. .. .. | " | 0 2 11 |
| | Vegetable wax, other than carnauba wax.. .. .. | cwt. | 29 0 0 |
| | **TEXTILE MATERIALS.** | | |
| 78 | Hemp raw .. .. .. .. .. | cwt. | 16 0 0 |
| | Silk raw— | | |
| | (*a*) Bokhara .. .. .. .. | lb. | 12 0 0 |
| | (*b*) Chinese— | | |
| | Mathow .. .. .. .. .. | " | 2 3 0 |
| | Panjam .. .. .. .. .. | " | 1 8 0 |
| | White Shanghai, Thonkoon or Duppion .. | " | 2 12 0 |
| | White Shanghai, other kinds .. .. | " | 4 4 0 |
| | White other kinds .. .. .. .. | " | 3 4 0 |
| | Yellow Shanghais .. .. .. .. | " | 4 0 0 |
| | Yellow other kinds .. .. .. .. | " | 3 5 0 |
| | (*c*) Persian .. .. .. .. .. | " | 7 0 0 |
| | (*d*) Siam .. .. .. .. .. | " | 5 0 0 |
| | **MISCELLANEOUS.** | | |
| 80 | Canes— | | |
| | Malacca .. .. .. .. .. | 100 pieces. | 26 0 0 |
| | Chimity .. .. .. .. .. | " | 9 8 0 |
| | Tries .. .. .. .. .. | " | 6 8 0 |
| | Root Moonah .. .. .. .. | " | 17 8 0 |
| | Mannu .. .. .. .. .. | " | 15 0 0 |
| | Polo, all kinds— | | |
| | Not exceeding 10 feet in length .. .. .. | " | 53 0 0 |
| | Exceeding 10 feet in length .. .. .. | " | 80 0 0 |
| | Tobite .. .. .. .. | cwt. | 21 0 0 |
| | Rattans— | | |
| | Chair .. .. .. .. .. | cwt. | 16 12 0 |
| | Basket .. .. .. .. .. | " | 7 8 0 |
| | Outers .. .. .. .. .. | " | 60 0 0 |
| | Inners .. .. .. .. .. | " | 40 0 0 |
| 81 | Cowries and shells | | |
| | Cowries, bazar, common .. .. .. .. | cwt. | 4 10 0 |
| | Cowries, yellow, superior quality .. .. | " | 4 12 0 |
| | Cowries, Maldive .. .. .. .. | " | 19 4 0 |
| | Cowries, Sankhli .. .. .. .. | " | 87 0 0 |
| | Mother-of-pearl, nacre .. .. .. | " | 21 4 0 |
| | Nakhla .. .. .. .. .. | " | 99 0 0 |
| | Tortoise-shell .. .. .. .. .. | lb. | 6 0 0 |
| | Tortoise-shell, nakh .. .. .. .. | " | 2 0 0 |
| | **CHEMICALS, DRUGS AND MEDICINES.** | | |
| 88 | Arsenic (China mansil) .. .. .. .. | cwt. | 47 0 0 |
| | Borax, granular, powdered or crystalline (in bulk) .. .. | " | 10 8 0 |
| | Calcium carbide .. .. .. .. .. | " | 14 0 0 |
| | Chlorate of potash .. .. .. .. | " | 24 0 0 |
| | Napthalene balls .. .. .. .. | " | 11 0 0 |
| | Sodium bicarborate .. .. .. .. | " | 7 6 0 |
| | Sodium silicate (in liquid form) .. .. .. | " | 7 10 0 |
| | Asafœtida (bing) .. .. .. .. | " | 61 0 0 |
| | Asafœtida coarse (hingra) .. .. .. .. | " | 20 0 0 |

IMPORT TARIFF—*contd.*

| No. in Schedule II. | Names of Articles. | Per. | Tariff Values. Rs. | A. | P. |
|---|---|---|---|---|---|
| | **DYES AND COLOURS.** | | | | |
| 92 | Cochineal | lb. | 1 | 2 | 6 |
| | Gallnuts, Persian | cwt. | 52 | 12 | 0 |
| | **GLASSWARE AND EARTHENWARE.** | | | | |
| 94 | Aerated water bottles, empty— | | | | |
| | Codd's pattern— | | | | |
| | Under 10 ozs. | gross | 25 | 0 | 0 |
| | 10 ozs. | " | 26 | 0 | 0 |
| | Over 10 ozs. | " | 28 | 0 | 0 |
| | Crown cork pattern— | | | | |
| | 7 ozs. and under | " | 14 | 8 | 0 |
| | Over 7 ozs up to and including 10 oz. | " | 16 | 4 | 0 |
| | Over 10 ozs. | " | 17 | 0 | 0 |
| | **METALS, OTHER THAN IRON AND STEEL.** | | | | |
| 98 | Brass, patent or yellow metal (including gun metal) ingots | cwt. | 20 | 0 | 0 |
| | Brass, patent or yellow metal (including gun metal), old | " | 18 | 0 | 0 |
| | Copper, braziers | " | 34 | 0 | 0 |
| | Copper, old | " | 24 | 0 | 0 |
| | Copper, pigs, tiles, ingots, cakes, bricks and slabs | " | 27 | 8 | 0 |
| | Lead, pig | " | 11 | 0 | 0 |
| | Quicksilver | lb. | 3 | 8 | 0 |
| | **MISCELLANEOUS.** | | | | |
| 108A | Old newspaper in bales and bags | cwt. | 3 | 14 | 0 |
| 112 | Perfumery— | | | | |
| | Gowla, husked and unhusked | " | 58 | 0 | 0 |
| | Kapurkachri (zedoary) | " | 21 | 0 | 0 |
| | Patch leaves (patchouli) | " | 18 | 0 | 0 |
| | Rose-flowers, dried | " | 18 | 0 | 0 |
| 113 | Pitch and tar— | | | | |
| | Coal pitch | cwt. | 2 | 12 | 0 |
| | Stockholm pitch | " | 14 | 0 | 0 |
| | Stockholm tar | " | 13 | 0 | 0 |
| 116 | Soft soap | " | 13 | 0 | 0 |
| 117 | Straw boards (not lined) | cwt. | 5 | 0 | 0 |
| | **CHEMICAL DRUGS AND MEDICINES.** | | | | |
| 127 | Camphor, refined, other than powder | lb. | 1 | 12 | 0 |
| | Camphor, powder, other than synthetic | " | 1 | 6 | 0 |
| | Camphor, synthetic, tablets and slabs | " | 1 | 9 | 0 |
| | Camphor, synthetic, powder | " | 1 | 2 | 0 |
| | **YARNS AND TEXTILE FABRICS.** | | | | |
| 133 | Silk piece-goods (white or coloured, plain or figured, all lengths and all widths) and other manufactures of silk from Japan and China (including Hongkong)— | | | | |
| | *Japan*— | | | | |
| | Paj, all kinds including Habutai, Thama, Junken and Nankin, and including striped, printed, woven so called (*i.e.*, swivel weave-work or Khakho embroidered), embossed and pineapples but excluding all kinds of Shioji or Shin Paj. | lb. | 10 | 12 | 0 |
| | Satins, Taffetas and Kobakus, all kinds, including striped printed, woven so-called (*i.e.*, swivel weave-work or Khakho embroidered), and embossed. | " | 10 | 12 | 0 |
| | Twill, all kinds | " | 15 | 0 | 0 |
| | Jarina (gold embroidered) | " | 16 | 0 | 0 |
| | Fugi and Boseki, all kinds | " | 5 | 8 | 0 |
| | Fancies, printed and woven so-called (*i.e.*, swivel weave-work of Khakho embroidered), including Georgettes, crepes, ninons, gauzes, and all kinds of Shioji or Shin Paj. | " | 15 | 4 | 0 |
| | Spun crepe, all kinds | " | 9 | 8 | [illegible] |
| | Dupettas and China silk patkas | " | 14 | 8 | 0 |
| | Burmese scarves—(*a*) Paj or Habutai | " | 31 | 0 | 0 |
| | (*b*) Other kinds | " | 38 | 0 | 0 |
| | *Cotton and silk mixed satins, embroidered | " | 14 | 0 | 0 |
| | *Cotton and silk mixed satins, other kinds | " | 4 | 8 | 0 |
| | Cotton and silk mixed hosiery | " | 25 | 0 | 0 |
| | *Cotton and silk mixed Fugi and Boseki, all kinds | " | 4 | 0 | 0 |
| | Silk Fents | " | 4 | 0 | 0 |
| | *China (including Hongkong but excluding Canton)*— | | | | |
| | Corded, all kinds, excepting white cords | " | 3 | 0 | 0 |
| | Crepe, gauze, and paj, all kinds | " | 13 | 0 | 0 |
| | Fugi and Boseki, all kinds | " | 5 | 8 | 0 |

*N.B.*—The tariff values marked with an asterisk (*) are also applicable to silk mixtures under No. 45A above.

IMPORT TARIFF—*contd.*

| No. in Schedule II. | Names of Articles. | Per | Tariff Values. |
|---|---|---|---|
| | | | Rs. A. P. |
| | MISCELLANEOUS. | | |
| 134 | Celluloid bangles— | | |
| | Celluloid, plain, flat, with border and without border and grooved but excluding double border and double grooved and those under ½ inch (*i.e.*, 2 lines) width. | dozen pairs | 0 12 0 |
| | Celluloid (rubber) rings excluding coils .. .. | ,, | 0 3 3 |
| | Celluloid, zigzag, all colours .. .. | ,, | 0 3 0 |
| | Glass bangles— | | |
| | *China*— | | |
| | Nimuchi and pasalal .. .. .. | 100 pairs | 2 0 0 |
| | Bracelet, Jadi and fancy, all kinds .. .. | ,, | 4 0 0 |
| | Rajawarakh, all kinds .. .. | ,, | 6 0 0 |
| | *Japan*— | | |
| | Reshmi or lustre, all colours— | | |
| | Fancy (including all kinds of Vakmel or zigzag but excluding hexagonal bangles) | dozen pairs | 0 1 9 |
| | Fancy Hexagonal .. .. .. | ,, | 0 1 0 |
| | All others .. .. .. .. | ,, | 0 0 9 |
| | Hollow or tube, all colours .. .. .. | ,, | 0 2 3 |
| | Sonerikada (golbala)— | | |
| | Containing gold in their composition .. .. | ,, | 1 0 0 |
| | All others .. .. .. .. | ,, | 0 2 3 |
| 134A | Cinematograph films, exposed— | | |
| | Exposed standard positive films, new or used .. | foot | 0 4 6 |
| | FISH. | | |
| 161 | Bomlas .. .. .. .. | cwt. | 9 8 0 |
| | FRUITS AND VEGETABLES. | | |
| 162 | Almonds without shell .. .. .. | cwt. | 50 0 0 |
| | Almonds kágazi Persian in the shell .. .. .. | ,, | 50 0 0 |
| | Almonds in the shell Persian .. .. .. | ,, | 10 4 0 |
| | Cashew or cajoo kernels, not skinned .. .. | ,, | 28 0 0 |
| | Coconuts Straits, Dutch East Indies and Siam— | | |
| | Husked .. .. .. .. | thousand | 65 0 0 |
| | Unhusked .. .. .. .. | ,, | 100 0 0 |
| | Coconuts, Maldives .. .. .. .. | ,, | 21 0 0 |
| | Coconuts, other .. .. .. .. | ,, | 32 0 0 |
| | Dates, dry, in bags— | | |
| | Basra (Iraq) dates .. .. .. | cwt. | 10 0 0 |
| | All other sorts .. .. .. | ,, | 5 8 0 |
| | Dates, wet, in bags, baskets and bundles .. .. | ,, | 3 8 0 |
| | Dates, wet, packed in other receptacles .. .. | ,, | 9 0 0 |
| | Figs, dried, Persian .. .. .. | ,, | 6 8 0 |
| | Figs, dried, European .. .. .. | ,, | 12 8 0 |
| | Garlic .. .. .. .. | ,, | 7 8 0 |
| | Pistachio nuts .. .. .. .. | ,, | 40 0 0 |
| | Raisins, red, Persian Gulf .. .. .. | ,, | 7 4 0 |
| | PROVISIONS AND OILMAN'S STORES. | | |
| 167 | China canned fruit .. .. .. | case of 4 doz. | 8 0 0 |
| 169 | Cassava, Tapioca or Sago (whole) .. .. | cwt. | 7 0 0 |
| 170 | Canned or bottled provisions, not otherwise specified *N.-B.*—For tariff values under this item see those marked with an asterisk (*) under No. 69 above. | | |
| | GUMS AND RESINS. | | |
| 171 | Dammer Batu, unrefined .. .. .. | cwt. | 6 4 0 |
| | Gum Arabic, other than ground .. .. | ,, | 24 0 0 |
| | Gum Benjamin, ras .. .. .. | ,, | 25 0 0 |
| | Gum Benjamin, cowrie .. .. .. | ,, | 58 4 0 |
| | Gum Dammer (or Copal) .. .. .. | ,, | 25 0 0 |
| | Rosin .. .. .. .. | ,, | 9 8 0 |
| | OILS. | | |
| 172 | Citronila oil, natural, from Ceylon, Straits, China, Japan and the Far East. | lb. | 1 6 0 |
| 173 | Cassia oil, natural, from Ceylon, Straits, China, Japan and the Far East. | lb. | 1 0 0 |
| | SEEDS. | | |
| 176 | Copra or coconut kernel .. .. .. | cwt. | 10 0 0 |

IMPORT TARIFF—*contd.*

| No. in Schedule II. | Names of Articles. | Per | Tariff Values. Rs. A. P. |
|---|---|---|---|
| | MISCELLANEOUS. | | |
| 179 | Ivory, unmanufactured— | | |
| | Elephants' grinders .. .. .. .. | cwt. | 300 0 0 |
| | Elephants' tusks (other than hollows, centres, and points), each exceeding 20 lb. in weight and hollows, centres, and points each weighing 10 lb. and over. | " | 560 0 0 |
| | Elephants' tusks (other than hollows, centres, and points), not less than 10 lb. and not exceeding 20 lb. each, and hollows, centres, and points each weighing less than 10 lb. | " | 460 0 0 |
| | Elephants' tusks each less than 10 lb. (other than hollows, centres, and points). | " | 250 0 0 |
| | Sea-cow or moye teeth, each not less than 4 lb. .. | " | 275 0 0 |
| | Sea-cow or moye teeth, eac not less than 3 lb. and under 4 lb | " | 220 0 0 |
| | Sea cow or moye teeth, each less than 3 lb. .. .. | " | 130 0 0 |
| | CHEMICALS, DRUGS AND MEDICINES. | | |
| 181 | Alkali, Indian (sajji-khar) .. .. .. | cwt | 3 0 0 |
| | Ammonia gas, anhydrous, including compressed or liquified gas | lb. | 0 9 0 |
| | Ammonium carbonate or bicarbonate .. .. .. | cwt. | 24 0 0 |
| | Ammonium chloride— | | |
| | Muriate of ammonia, crystalline .. .. .. | " | 14 8 0 |
| | Salammoniac, sublimed .. .. .. .. | " | 25 0 0 |
| | Other sorts, including compressed .. .. .. | " | 18 0 0 |
| | Boric acid (in bulk) .. .. .. .. | " | 16 8 0 |
| | Calcium chloride .. .. .. .. | " | 4 4 0 |
| | Carbonic acid gas including compressed or liquified gas .. | lb | 0 3 6 |
| | Chlorine .. .. .. .. .. | " | 0 4 9 |
| | Menthol (peppermint) crystals .. .. .. .. | oz. | 0 11 6 |
| | Potassium bichromate .. .. .. .. | cwt. | 33 8 0 |
| | Soda ash including calcined natural soda and manufactured sesqui-carbonates. | " | 5 12 0 |
| | Soda, caustic, flake .. .. .. .. | " | 13 10 0 |
| | Soda, caustic, powered .. .. .. .. | " | 14 4 0 |
| | Soda, caustic, solid .. .. .. .. .. | " | 10 12 0 |
| | Soda crystals .. .. .. .. .. | " | 6 8 0 |
| | Sodium bichromate .. .. .. .. | " | 28 0 0 |
| | Sodium hyposulphite (in bulk) .. .. .. .. | " | 11 8 0 |
| | Tartaric acid in kegs or in bulk .. .. .. | " | 71 0 0 |
| | Trona or natural soda uncalcined .. .. .. | " | 4 0 0 |
| | Banslochan (bamboo camphor) .. .. .. .. | " | 1 6 0 |
| | Calumba root .. .. .. .. .. | cwt. | 5 4 0 |
| | China root (chobchini) rough .. .. .. .. | " | 13 8 0 |
| | China root (chobchini) scraped .. .. .. .. | " | 23 8 0 |
| | Cubebs .. .. .. .. .. .. | " | 48 0 0 |
| | Galangal, China .. .. .. .. .. | " | 11 4 0 |
| | Salep .. .. .. .. .. .. | " | 170 0 0 |
| | CUTLERY, HARDWARE, IMPLEMENTS AND INSTRUMENTS. | | |
| 185 | Crown corks .. .. .. .. .. | gross | 0 9 6 |
| | DYES AND COLOURS. | | |
| 188 | Gambier, block and cube .. .. .. .. | cwt. | 16 0 0 |
| | Gambier in flakes or circular pieces .. .. .. | " | 41 0 0 |
| 189 | Cuttle fish bone .. .. .. .. .. | " | 4 0 0 |
| | Gamboge .. .. .. .. .. | lb. | 1 6 0 |
| | Vermilion, Canton .. .. .. .. .. | box of 90 bundles. | 230 0 0 |
| | METALS, IRON AND STEEL. | | |
| 195 | Iron and Steel cans or drums— When imported containing kerosene and motor spirit, namely :— | | |
| | Cans, tinned, of four gallons capacity .. .. | can | 0 6 0 |
| | Cans or drums, not tinned, of two gallons capacity— | | |
| | (*a*) with faucet caps .. .. .. | can or drum | 1 8 0 |
| | (*b*) ordinary .. .. .. .. | " | 0 6 0 |
| | Drums of four gallons capacity— | | |
| | (*a*) with faucet caps .. .. .. | drum | 2 3 0 |
| | (*b*) ordinary .. .. .. .. .. | " | 1 8 0 |
| | METALS, OTHER THAN IRON AND STEEL. | | |
| 196 | Aluminium circles .. .. .. .. .. | lb. | 0 10 0 |
| | Aluminium sheets, plain .. .. .. .. | " | 0 9 0 |
| | Brass, patent or yellow metal, sheets and sheathing, weighing 1 lb. or above per square foot, and braziers, and plates. | cwt. | 29 0 0 |
| | Brass, patent or yellow metal, circles weighing 1 lb. or above per square foot | " | 33 0 0 |
| | Copper, sheets, plates and sheathing .. .. .. | " | 34 0 0 |
| | Copper, circles .. .. .. .. .. | " | 39 0 0 |
| | Copper, foil or dankpana, plain, white, 10 to 11 in. × 4 to 5 in. .. | hundred leaves. | 1 4 0 |
| | Copper, foil or dankpana, plain, coloured, 10 to 11 in. × 4 to 5 in. | " | 1 4 0 |

IMPORT TARIFF—*contd.*

| No. in Schedule II. | Names of Articles. | Per. | Tariff Values. R. A. P. |
|---|---|---|---|
| | **PAPER, PASTEBOARD AND STATIONERY.** | | |
| 197 | Printing paper (excluding chrome, marble, flint poster and stereo) in which the mechanical wood pulp amounts to not less than 70 per cent. of the fibre content, glazed or unglazed, white or grey. | lb. | 0 1 3 |
| | Packing and wrapping paper— | | |
| | Machine-glazed pressings .. | ,, | 0 1 6 |
| | Manilla, machine-glazed or unglazed, and sulphite envelope .. | ,, | 0 1 9 |
| | Kraft and imitation kraft .. | ,, | 0 1 9 |
| | **MISCELLANEOUS.** | | |
| 204 | Coir fibre .. | cwt. | 4 4 0 |
| | Coir yarn .. | ,, | 13 0 0 |
| 212 | Umbrella ribs other than nickelled, brassed, fluted or metal tipped— | | |
| | Solid Flexus, all sizes— | | |
| | From Japan .. | dozen sets of 8 | 1 4 0 |
| | From other countries .. | ,, | 2 4 0 |
| | Solids, 23, 25 and 27 inches .. | dozen sets of 12 | 2 3 0 |
| | Solids, 16, 19 and 21 inches .. | dozen sets of 8 | 1 2 0 |
| | **SPICES.** | | |
| 217 | Spices, unground— | | |
| | Cardamom seed .. | cwt. | 55 0 0 |
| | Cassia lignea .. | ,, | 10 8 0 |
| | Cloves .. | ,, | 48 0 0 |
| | Cloves, exhausted .. | ,, | 21 4 0 |
| | Cloves stems and heads .. | ,, | 6 0 0 |
| | Cloves in seeds, narlavang .. | ,, | 20 0 0 |
| | Nutmegs .. | lb. | 0 6 0 |
| | Nutmegs in shell .. | ,, | 0 3 6 |
| | Pepper, black .. | cwt. | 30 0 0 |
| | Pepper, long .. | ,, | 35 0 0 |
| | Pepper, white .. | ,, | 50 0 0 |
| 218 | Ginger, dry, unground .. | ,, | 22 0 0 |
| | Mace, unground .. | lb. | 0 15 6 |
| 223 | Coconut oil .. | cwt. | 15 8 0 |
| | Linseed oil, raw or boiled .. | Imperial gallon | 2 4 0 |
| | **METALS, IRON AND STEEL.** | | |
| 235 | Iron angle, channel and tee— | | |
| | Crown and superior qualities, not fabricated .. | ton | 210 0 0 |
| | Other kinds, not fabricated if galvanized, tinned, or lead-coated. | ,, | 210 0 0 |
| | Iron bar and rod— | | |
| | Qualities superior to Grade A of the British Engineering Standard Association. | ,, | 385 0 0 |
| | Grade A of the British Engineering Standard Association and Crown quality and intermediate qualities— | | |
| | Over ½ inch in diameter or thickness .. | ,, | 225 0 0 |
| | ½ inch and under in diameter or thickness .. | ,, | 240 0 0 |
| | Common, if galvanized, tinned, or lead-coated .. | ,, | 220 0 0 |
| | Iron, pig .. | ,, | 75 0 0 |
| | Iron rice bowls .. | cwt. | 18 0 0 |
| 236 | Iron or Steel nails, and washers— | | |
| | Nails, rose, deck, and flat-headed .. | cwt. | 14 0 0 |
| | Nails, bullock and horse-shoe .. | ,, | 38 0 0 |
| | Washers, black, structural .. | ,, | 9 0 0 |
| | Iron or Steel plates and sheets (including cuttings, discs and circles) not under ½ inch thick— | | |
| | Boiler fire-box and special qualities, not fabricated .. | ton | 240 0 0 |
| | Galvanized, plain, not fabricated .. | ,, | 205 0 0 |
| 237 | Steel, angle and tee, if galvanized, tinned or lead-coated, not fabricated. | ton | 210 0 0 |
| | Steel, bar and rod— | | |
| | Galvanized or coated with other metals, all shapes and sizes | ,, | 210 0 0 |
| | Planished or polished, including bright steel shafting, all shapes and sizes. | ,, | 200 0 0 |

IMPORT TARIFF—*concld.*

| No. in Schedule II. | Names of Articles | Per | Tariff Values. |
|---|---|---|---|
| | | | Rs. A. P. |
| | MISCELLANEOUS. | | |
| 244 | Bird-shot .. .. .. | cwt. | 25 0 0 |
| 245 | Betelnuts (husked)— | | |
| | Raw, or boiled whole, from Goa .. .. .. | " | 12 12 0 |
| | Raw, or boiled whole, from Straits, Dutch East Indies and Siam. | " | 10 0 0 |
| | Raw, whole, from Ceylon .. .. .. | " | 13 0 0 |
| | Raw, split (sun-dried) from Ceylon .. .. .. | " | 27 0 0 |
| | Boiled, split or sliced .. .. .. | " | 16 0 0 |

EXPORT TARIFF.

| No. in Schedule III. | Names of Articles. | | Per | Tariff Values. |
|---|---|---|---|---|
| | HIDES AND SKINS. | | | Rs. A. P. |
| 3 | Raw hides and skins if exported from Burma— | | | |
| | (1) Arsenicated and air-dried hides— | | | |
| | (a) Cows (including calf skins) .. .. .. | | lb. | 0 2 9 |
| | (b) Buffaloes (including calf skins).. .. .. | | " | 0 1 9 |
| | (2) Dry salted hides— | | | |
| | (a) Cows (including calf skins) .. .. .. | | " | 0 2 6 |
| | (b) Buffaloes (including calf skins) .. .. | | " | 0 2 0 |
| | (3) Wet salted hides— | | | |
| | (a) Cows (including calf skins) .. .. .. | | " | 0 1 6 |
| | (b) Buffaloes (including calf skins).. .. .. | | " | 0 1 3 |
| | (4) Goat and kid skins .. .. .. .. | | piece | 0 7 6 |
| | (5) Sheep skins .. .. .. .. .. | | " | 0 5 0 |
| | Raw hides and skins if exported from any place in British India other than Burma— | | | |
| | (1) Arsenicated and air-dried hides— | | | |
| | (a) Cows (including calf skins) | Framed | lb. | 0 5 6 |
| | | Unframed | " | 0 3 6 |
| | (b) Buffaloes (including calf skins) | Framed | " | 0 4 0 |
| | | Unframed | " | 0 2 6 |
| | (2) Dry salted hides— | | | |
| | (a) Cows (including calf skins) .. .. .. | | " | 0 4 6 |
| | (b) Buffaloes (including calf skins) .. .. | | " | 0 2 3 |
| | (3) Wet salted hides— | | | |
| | (a) Cows (including calf skins) .. .. .. | | " | 0 2 6 |
| | (b) Buffalows (including calf skins) .. .. | | " | 0 2 0 |
| | (4) Goat and kid skins .. .. .. | | piece | 1 0 0 |
| | (5) Sheep skins .. .. .. .. | | " | 0 8 0 |

T. A. STEWART,

Additional Secretary to the Government of India.

FROM THE GAZETTE OF INDIA, NEW DELHI, SATURDAY, JANUARY 7, 1933.

## HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

New Delhi, the 5th January 1933.

**No. F.-224/32.**—In continuation of the Home Department Notification No. F-224/32-Ests., dated the 15th June 1932, it is notified that Mr. H. W. Emerson, C.S.I., C.I.E., C.B.E., I.C.S., Secretary to the Government of India in the Home Department, has been

granted by the High Commissioner for India an extension of leave on half average pay for three and a half months.

**No. F.-400/32.**—The undermentioned gentlemen who have been appointed to the Indian Civil Service are allotted to the provinces as follows.—

*Punjab.*

| | |
|---|---|
| A. A. Williams. | B. F. B. Tyabji. |
| H. J. B. Taylor. | K. A. Rahim. |
| L. P. Addison. | D. P. Bhandari. |
| R. W. Parkes. | Inayat Ullah Khan. |

C. W. GWYNNE,

Joint Secretary to the Government of India.

## FINANCE DEPARTMENT.

### NOTIFICATIONS.

New Delhi, the 3rd January 1933.

**No. F.-3(38)-F./32.**—In their Notification No. F.-3(22)-F./32, dated the 1st September 1932, the Government of India promulgated certain revised rates for the issue of Post Office Cash Certificates which reduced the yield thereon. Since then there has been a further fall in money rates and they have come to the conclusion that the yield on these Certificates can now be reduced still further without endangering the popularity of this form of investment. They are accordingly pleased to direct that the amounts repayable on the Certificates of the different denominations issued on or after the 3rd January 1933 should be as shown in the following table :—

| —— | Rs. 10 | Rs. 20. | Rs. 50. | Rs. 100. | Rs. 500. | Rs. 1,000. |
|---|---|---|---|---|---|---|
| | Rs. A. P. | Rs. A. P. | Rs. A. P | Rs. A. P. | Rs. A. P. | Rs. A. P. |
| Amount to be invested .. | 8 0 0 | 16 0 0 | 40 0 0 | 80 0 0 | 400 0 0 | 800 0 0 |
| On withdrawal at any time during first year. | 8 0 0 | 16 0 0 | 40 0 0 | 80 0 0 | 400 0 0 | 800 0 0 |
| After 1 complete year from date of issue. | 8 4 0 | 16 8 0 | 41 4 0 | 82 8 0 | 412 8 0 | 825 0 0 |
| After 15 complete months | 8 5 3 | 16 10 6 | 41 10 3 | 83 4 6 | 416 6 6 | 832 13 0 |
| ,, 18 complete months | 8 6 6 | 16 13 0 | 42 0 6 | 84 1 0 | 420 5 0 | 840 10 0 |
| ,, 21 complete months | 8 7 9 | 16 15 6 | 42 6 9 | 84 13 6 | 424 3 6 | 848 7 0 |
| ,, 2 complete years .. | 8 9 0 | 17 2 0 | 42 13 0 | 85 10 0 | 428 2 0 | 856 4 0 |
| ,, 27 complete months | 8 10 3 | 17 4 6 | 43 3 3 | 86 6 6 | 432 0 6 | 864 1 0 |
| ,, 30 complete months | 8 11 6 | 17 7 0 | 43 9 6 | 87 3 0 | 435 15 0 | 871 14 0 |
| ,, 33 complete months | 8 12 9 | 17 9 6 | 43 15 9 | 87 15 6 | 439 13 6 | 879 11 0 |
| ,, 3 complete years | 8 14 0 | 17 12 0 | 44 6 0 | 88 12 0 | 443 12 0 | 887 8 0 |
| ,, 39 complete months | 8 15 6 | 17 15 0 | 44 13 6 | 89 11 0 | 448 7 0 | 896 14 0 |
| ,, 42 complete months | 9 1 0 | 18 2 0 | 45 5 0 | 90 10 0 | 453 2 0 | 906 4 0 |
| ,, 45 complete months | 9 2 6 | 18 5 0 | 45 12 6 | 91 9 0 | 457 13 0 | 915 10 0 |
| ,, 4 complete years .. | 9 4 0 | 18 8 0 | 46 4 0 | 92 8 0 | 462 8 0 | 925 0 0 |
| ,, 51 complete months | 9 6 0 | 18 12 0 | 46 14 0 | 93 12 0 | 468 12 0 | 937 8 0 |
| ,, 54 complete months | 9 8 0 | 19 0 0 | 47 8 0 | 95 0 0 | 475 0 0 | 950 0 0 |
| ,, 57 complete months | 9 10 0 | 19 4 0 | 48 2 0 | 96 4 0 | 481 4 0 | 962 8 0 |
| ,, 5 complete years | 10 0 0 | 20 0 0 | 50 0 0 | 100 0 0 | 500 0 0 | 1,000 0 0 |

2. The Government of India have also decided that holders of Cash Certificates which mature (that is, complete the five year period) on or after the 3rd January 1933 and before the date from which the rates given in paragraph 1 above may again be revised

should be allowed, at their option, to hold them for a further period of five years after maturity, the amounts payable on such Certificates from time to time being as shown in the following table :—

| — | Rs. 10. | Rs. 20. | Rs. 50 | Rs. 100 | Rs. 500 | Rs. 1,000 |
|---|---|---|---|---|---|---|
| | Rs. A. P. | Rs. A. P. | Rs. A. P. | Rs. A. P. | Rs. A. P. | Rs. A. P. |
| *On withdrawal.* | | | | | | |
| After 5 complete years .. | 10 0 0 | 20 0 0 | 50 0 0 | 100 0 0 | 500 0 0 | 1,00 0 0 |
| ,, 63 ,, months.. | 10 1 9 | 20 3 6 | 50 8 9 | 101 1 6 | 505 7 6 | 1,010 15 0 |
| ,, 66 ,, ,, .. | 10 3 6 | 20 7 0 | 51 1 6 | 102 3 0 | 510 15 0 | 1,021 14 0 |
| ,, 69 ,, ,, .. | 10 5 3 | 20 10 6 | 51 10 3 | 103 4 6 | 516 6 6 | 1,032 13 0 |
| ,, 6 ,, years .. | 10 7 0 | 20 14 0 | 52 3 0 | 104 6 0 | 521 14 0 | 1,043 12 0 |
| ,, 75 ,, months.. | 10 8 9 | 21 1 6 | 52 11 9 | 105 7 6 | 527 5 6 | 1,054 11 0 |
| ,, 78 ,, ,, .. | 10 10 6 | 21 5 0 | 53 4 6 | 106 9 0 | 532 13 0 | 1,065 10 0 |
| ,, 81 ,, ,, .. | 10 12 3 | 21 8 6 | 53 13 3 | 107 10 6 | 538 4 6 | 1,076 9 0 |
| ,, 7 ,, years .. | 10 14 0 | 21 12 0 | 54 6 0 | 108 12 0 | 543 12 0 | 1,087 8 0 |
| ,, 87 ,, months.. | 11 0 0 | 22 0 0 | 55 0 0 | 110 0 0 | 550 0 0 | 1,100 0 0 |
| ,, 90 ,, ,, .. | 11 2 0 | 22 4 0 | 55 10 0 | 111 4 0 | 556 4 0 | 1,112 8 0 |
| ,, 93 ,, ,, .. | 11 4 0 | 22 8 0 | 56 4 0 | 112 8 0 | 562 8 0 | 1,125 0 0 |
| ,, 8 ,, years .. | 11 6 0 | 22 12 0 | 56 14 0 | 113 12 0 | 568 12 0 | 1,137 8 0 |
| ,, 99 ,, months.. | 11 8 0 | 23 0 0 | 57 8 0 | 115 0 0 | 575 0 0 | 1,150 0 0 |
| ,, 102 ,, ,, .. | 11 10 0 | 23 4 0 | 58 2 0 | 116 4 0 | 581 4 0 | 1,162 8 0 |
| ,, 105 ,, ,, .. | 11 12 0 | 23 8 0 | 58 12 0 | 117 8 0 | 587 8 0 | 1,175 0 0 |
| ,, 9 ,, years .. | 11 14 0 | 23 12 0 | 59 6 0 | 118 12 0 | 593 12 0 | 1,187 8 0 |
| ,, 111 ,, months.. | 12 0 0 | 24 0 0 | 60 0 0 | 120 0 0 | 600 0 0 | 1,200 0 0 |
| ,, 114 ,, ,, .. | 12 2 0 | 24 4 0 | 60 10 0 | 121 4 0 | 606 4 0 | 1,212 8 0 |
| ,, 117 ,, ,, .. | 12 4 0 | 24 8 0 | 61 4 0 | 122 8 0 | 612 8 0 | 1,225 0 0 |
| ,, 10 ,, years .. | 12 8 0 | 25 0 0 | 62 8 0 | 125 0 0 | 625 0 0 | 1,250 0 0 |

The 5th January 1933.

**No. F.-2-XXVI-R.-II/32.**—The following Resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of Section 96B of the Government of India Act, the Secretary of State, with the concurrence of the majority of votes at a meeting of the Council of India held this 22nd day of November, 1932, hereby makes the following amendments in the Civil Pensions (Commutation) Rules namely :—

(1) For the last sentence of the substantive part of Clause (1) of Rule 6 of the said Rules the following shall be substituted, namely :—

" The applicant may withdraw his application by written notice despatched at any time before medical examination is due to take place, but this option shall expire on his appearance before a medical authority."

(2) In the proviso to the said clause of the said Rules after the words " the applicant may withdraw his application " insert the words " by written notice despatched ".

(3) In clause 2 of Rule 6 of the said Rules after the words " or the date " the words " following that " shall be inserted.

A. A. L. PARSONS,

Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.

CUSTOMS.

New Delhi, the 7th January 1933.

**No. 1**.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Finance Department (Central Revenues), No. 14 Customs, dated the 9th April 1932, namely :—

In the said Notification, in Schedule I—Import Duties, under the head " A—General " and sub-head " I—*Duties generally* ", after entry 12 the following entries shall be inserted, namely :—

| | | |
|---|---|---|
| 12A. | Liquid preparations of gold such as are used in making glassware. | So much of the duty as exceeds 15 per cent, *ad valorem* (preferential) and 25 per cent. *ad valorem* (standard). |
| 12B. | Covered pots for glass making .. .. | So much of the duty as exceeds 15 per cent. *ad valorem* (preferential) and 25 per cent. *ad valorem* (standard. |

A. H. LLOYD,

Joint-Secretary to the Government of India.

## CENTRAL BOARD OF REVENUE.

NOTIFICATION.

INCOME-TAX.

New Delhi, the 7th January 1933.

**No. 1**.—In exercise of the powers conferred by section 59 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendment shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub-section (4) of the said section, namely :—

" In the first column of the statement in rule 8 of the said Rules under the head " 2—*Machinery Plant or Furniture* " in the sub-entry specifying the plant in respect of which the percentage on prime cost allowed is 10 after the words " tile making machinery " the words " plant and machinery used in the manufacture of vegetable *ghee* " shall be inserted.

RAM NATH,

Secretary, Central Board of Revenue.

166 CS—810—20-1-33—SGPP Lahore.

Registered No. L. 684.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, JANUARY 27, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM "THE GAZETTE OF INDIA", NEW DELHI, SATURDAY, JANUARY 14, 1933.

### HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

New Delhi, the 12th January 1933.

**No. F.-9-27/32.**— The Governor-General in Council directs that the following amendment shall be made in item IV (5) of the schedule of officers entitled to wear civil uniform, published with the Home Department Notification No. F.-215/23-Public, dated the 31st May 1923, as subsequently amended :—

For the entries from "Director-General and the Financial Adviser, Posts and Telegraphs" to "Director of Wireless" the following shall be substituted, namely :—

"Director-General of Posts and Telegraphs,
Financial Adviser, Posts and Telegraphs,
Chief Engineer, Post and Telegraphs,
Senior Deputy Director-General,
Postmasters-General,
Deputy Director-General, Postal Services,
Deputy Director-General, Telegraphs,
Director of Wireless,
Directors of Telegraph Engineering,
Electrical Engineer-in-Chief."

C. W. GWYNNE,

Joint Secretary to the Government of India.

## FINANCE DEPARTMENT.

NOTIFICATIONS.

New Delhi, the 7th January 1933.

**No. D.-2957-R. II.**—In exercise of the powers conferred by rules 33 (2), 37, 42 and 44 (*d*) of the Civil Services (Classification, Control and Appeal) Rules, the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Contributory Provident Fund Rules (India), namely :—

I. To sub-rule (4) of rule 8 of the said Rules, the following proviso shall be added, namely :—

"Provided that if a subscriber is on duty for a part of a month and on leave for the remainder of that month, and if he has elected not to subscribe during leave, the amount of the subscription payable shall be proportionate to the number of days spent on duty in the month."

II. After sub-rule (5) of rule 11 of the said Rules, the following sub-rule shall be inserted, namely :—

"(6) The interest on amounts withdrawn or withheld from the Fund under rule 15 which, under sub-rule (3) of rule 19, or sub-rule (1) or sub-rule (2) of rule 21 are required to be replaced at the credit of the subscriber in the Fund shall be calculated at such rates as may be successively prescribed under sub-rule (1) of this rule and so far as may be in the manner described in this rule."

III. To sub-rule (2) of rule 18 of the said Rules, the following explanation shall be added, namely :—

"Explanation: A policy on the joint lives of the subscriber and his wife shall be deemed to be a policy on the life of the subscriber himself for the purpose of this sub-rule."

IV. In rule 19 of the said Rules—

(*i*) For clause (*a*) of sub-rule (1), the following clause shall be substituted, namely :—

"(*a*) Unless it is a policy expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them, be assigned to the Secretary of State in Council, as security for the payment of any sum which may become payable to the Fund under rules 20 to 22, and delivered to the Account Officer, the assignment being made by endorsement on the policy in Form (1) or Form (2) of the Forms in the third schedule according as the policy is on the life of the subscriber or on the joint lives of the subscriber and his wife."

(*ii*) In sub-rule (3) for the figures '14' the figures '11' shall be substituted.

V. After rule 19 of the said Rules, the following rule shall be inserted, namely :—

19-A. The subscriber shall not during the currency of the policy draw any bonus the drawal of which during such currency is optional under the terms of the policy, and the amount of any bonus which under the terms of the policy the subscriber has no option to refrain from drawing during its currency shall be paid forthwith into the Fund by the subscriber or in default recovered by reduction from his emoluments by instalments or otherwise as the Governor-General in Council may direct.

VI. In rule 20 of the said Rules—

(*a*) In sub-rule (1)—

(*i*) for the brackets and figure "(2)" the brackets and figure "(3)" shall be substituted;

(*ii*) in clause (*d*) for the figures "14" the figures "11" shall be substituted; and

(*iii*) in clause (*i*) after the word "subscriber", where it occurs for the first time, the words "or to the subscriber and the joint assured as the case may be" shall be inserted.

(*b*) In sub-rule (2) for the brackets and figure "(2)" the brackets and figure "(3)" shall be substituted.

VII. For rule 21 of the said Rules, the following rule shall be substituted, namely :—

"21. (1) If a policy assigned to the Secretary of State in Council under rule 19 matures before the subscriber quits the service, and before his death, or if a policy on the joint lives of the subscriber and his wife, assigned under the said rule, falls due

for payment by reason of the wife's death, the Account Officer shall, save as provided by sub-rule (3) of rule 22, proceed as follows :—

(i) if the amount assured together with the amount of any accrued bonuses is greater than the whole of the amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in rule 11, the Account Officer shall reassign the policy in the form set forth in the Fifth Schedule to the subscriber or to the subscriber and the joint assured as the case may be, and make it over to the subscriber, who shall pay or repay to the Fund the whole of any amount withheld or withdrawn with interest, and in default, the provisions of sub-rule (3) of rule 19 applicable to a failure to assign and deliver a policy shall apply ;

(ii) if the amount assured together with the amount of any accrued bonuses is less than the whole of the amount withheld or withdrawn with interest, the Account Officer shall realise the amount assured together with any accrued bonuses and shall place the amount so realised to the credit of the subscriber in the Fund.

(2) Save as provided by sub-rule (3) of rule 22, if a policy delivered to the Account Officer under clause (b) of sub-rule (1) of rule 19 matures before the subscriber quits the service and before his death, the Account Officer shall make over the policy to the subscriber :

Provided that if the interest in the policy of the wife of the subscriber, or of his wife and children, or any of them, was a contingent interest which expired when the policy matured the subscriber shall pay or repay to the Fund either—

(i) the whole of any amount withheld or withrawn from the Fund in respect of the policy with interest thereon at the rate provided in rule 11,

or

(ii) an amount equal to the amount assured together with any accrued bonuses, whichever is less, and, in default, the provisions of sub-rule (3) of rule 19 applicable to a failure to assign and deliver a policy shall apply."

VIII. In rule 22 of the said Rules—

(a) for sub-rule (1) the following sub-rules shall be substituted, namely :—

"(1) If the interest of the subscriber in the family pension fund ceases in whole or part from any cause whatsoever, the provident fund account of the subscriber shall forthwith be reimbursed by the amount of the refund, if any, secured by the subscriber from the family pension fund.

(2) If the policy lapses or becomes assigned otherwise than to the Secretary of State in Council, under rule 19, charged or encumbered, the provisions of sub-rule (3) of rule 19 applicable to a failure to assign and deliver a policy shall apply."

(b) Sub-rule (2) shall be renumbered (3).

(c) In sub-rule (3), as renumbered—

(1) In clause (i) the words "assign or" shall be omitted.

(2) In clause (ii) for the words "dispose of any part of any amount so realised" the word "assign" shall be substituted.

IX. For the third schedule to the said Rules, the following schedule shall be substituted, namely :—

THIRD SCHEDULE (RULE 19).

*Forms of assignment.*

(1)

I, A. B., of.....................hereby assign unto the Secretary of State for India in Council the within policy of assurance as security for payment of all sums which under rules 20 to 22 of the Contributory Provident Fund Rules (India), I may hereafter become liable to pay to the Contributory Provident Fund (India).

I hereby certify that no prior assignment of the within policy exists.

*Signature of subscriber.*

One witness to signature.

(2)

We, A. B. (the subscriber) of.........and C. D. (the joint assured) of.......... in consideration of the Secretary of State for India in Council agreeing at our request to accept payments towards the within policy of assurance in substitution for the subscriptions payable by me the said A. B. to the Contributory Provident Fund (India) (or, as the case may be, to accept the withdrawal of the sum of Rs.          from the sum to the

credit of the said A. B. in the Contributory Provident Fund (India) for payment of the premium of the within policy of assurance), hereby jointly and severally assign unto the said Secretary of State the within policy of assurance as security for payment of all sums which under rules 20 to 22 of the rules of the said Fund the said A. B. may hereafter become liable to pay to that Fund.

*Signature of subscribers*

and the Joint Assured.

One witness to signatures.

(3)

*Form of assignment to be used in cases where a subscriber to the General Provident Fund who has effected an insurance policy under the rules of that Fund is admitted to the Contributory Provident Fund (India).*

I, A. B. of ................hereby further assign unto the Secretary of State for India in Council the within policy of assurance as security for payment of all sums which under Rules 20 to 22 of the Contributory Provident Fund Rules (India), I may hereafter become liable to pay to the Contributory Provident Fund (India).

I hereby certify that except an assignment to the Secretary of State for India in Council as security for payment of all sums which I have become liable to pay under rule 21 of the General Provident Fund Rules, no prior assignment of the within policy exists.

*Signature of subscriber.*

One witness to signature."

X. In the fourth Schedule to the said Rules in Form (1) for the letters "A. B." the following shall be substituted, namely :—

"A. B.
————
A. B. and C. D."

XI. After the fourth Schedule to the said Rules the following Schedule shall be inserted, namely :—

"FIFTH SCHEDULE (Rule 21).

*Form of Reassignment by the Secretary of State for India in Council.*

The Secretary of State for India in Council doth hereby reassign the within policy to

the said A. B.
————
A. B. and C. D.

Dated 19 ."

The 10th January 1933.

**No. F.-7 (83)-R.I/32.**—In exercise of the powers conferred by sub-rule (2) of Rule 33, Rule 37, Rule 42 and clause (*d*) of Rule 44 of the Civil Services (Classification, Control and Appeal) Rules (hereinafter referred to as the said rules), the Governor-General in Council is pleased to direct that the amendments in the Passage Rules, 1925, published in the Government of India, Finance Department notification No. F.-7 (83)-R.I./32, dated the 10th January 1933, being amendments made by the Secretary of State in Council after the commencement of the said rules, shall apply, and from the date on which they were made by the Secretary of State in Council, shall be deemed always to have applied to the services in respect of which power to make rules is delegated to the Governor-General in Council in the said rules.

**No. F.-7 (83)-R. I./32.**—The following Resolution by the Secretary of State for India in Council is published for general information :—

RESOLUTION.

In exercise of the powers conferred by sub-section (2) of Section 96B of the Government of India Act, the Secretary of State for India, with the concurrence of a majority of votes at a meeting of the Council of India held this 22nd day of November 1932, hereby makes the following amendments in the Passage Rules, 1925, namely :—

For Rule 3 of the said Rules, the following shall be substituted, namely :—

3. A local Government may sanction the following terms for any officer deputed out of India.—

(*a*) If the period of deputation is not expected to exceed one year or if the period of deputation is expected to exceed one year and the officer does not take his family with him—

(1) for the journey from his headquarters to the port of embarkation travelling allowance at the rate which would be admissible to him were the journey one on tour ;

(2) free passage (with diet) to the port of debarkation ;

(3) travelling allowance at the rates admissible under the rules made by the Secretary of State in Council from the port of debarkation to destination in cases of deputations to Europe or America, and actual travelling expenses in the case of deputations to other countries ;

(4) Actual expenses incurred on account of dock dues and passport fees subject to production of receipts ;

(5) similar terms for the return journey.

(b) If the period of deputation is expected to exceed one year and the officer takes his family with him—

(1) for the journey from his headquarters to the port of embarkation travelling allowance at the rates which would be admissible to him were the journey one on transfer ;

(2) free passage (with diet) to the port of debarkation for himself and each member of his family entitled to travelling allowance under sub-clause (1) ;

(3) actual cost of transport of excess luggage from the port of embarkation to the port of debarkation up to a maximum of 60 maunds ;

(4) for himself and family as described in sub-clause (2) travelling allowance at the rates admissible under the rules made by the Secretary of State in Council from the port of debarkation to destination in the case of deputations to Europe or America, and actual travelling expenses in the case of deputations to other countries ;

(5) actual cost of transporting luggage from the approved port of debarkation to destination within the limit laid down in sub-clause 3;

(6) actual expenses incurred on account of dock dues and passport fees subject to production of receipts ;

(7) similar terms for the return journey.

NOTE.—Return tickets for steamer journeys should be purchased in cases where period of deputation is not expected to exceed the period for which such tickets are available.

A. A. L. PARSONS,

Secretary to the Government of India.

## CENTRAL BOARD OF REVENUE.

NOTIFICATION.

CUSTOMS.

New Delhi, the 14th January 1933.

**No. 2.**—In exercise of the powers conferred by clause (c) of section 11 of the Sea Customs Act (VIII of 1878), the Central Board of Revenue directs that the following amendment shall be made in the Notification of the Government of Bombay No. 11101, dated the 18th October 1915, namely :—

After the word " explosives " in column 3 against entry VI (c), Railway Wharf, in the said Notification insert the words " case oil, petrol ".

RAM NATH,

Secretary, Central Board of Revenue.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

New Delhi, the 11th January 1933.

**No. F.-34/32-G.**—In exercise of the powers conferred by sub-section (1) of section 218 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Governor-General in Council is pleased to make the following rules regarding life saving appliances on pilgrim ships, the same having been previously published as required by sub-section (3) of the said section, namely :—

RULES.

1. (1) These Rules may be called the Life Saving Appliances (Pilgrim Ships) Rules, 1933.

(2) They shall apply to all Pilgrim Ships and shall come into force on the 1st June, 1933, from which date rules 6 to 9 and 16 and 17 of the rules published with the Notification of the Government of India in the Home Department No. 1902 (Sanitary), dated the 14th October, 1910, shall be cancelled :

Provided that when a ship has at any time before the 1st June, 1933, obtained certificate A in the form required under section 154 of the Indian Merchant Shipping Act, 1923, for a pilgrim ship, the arrangements on such ship shall be considered by the Governor-General in Council on the first occasion after the 1st June, 1933, on which application is made for another such certificate and the Governor-General in Council shall thereupon require such improvements, if any, as are in his opinion practicable and reasonable to be made not later than the first day of June, 1935, and, subject to the making of the said improvements by the said date, the ship shall be exempt from any of the provisions of these rules which would necessitate the making of improvements in excess of those which the Governor-General in Council has required to be made.

2. In these rules unless there is anything repugnant in the subject or context—

Definitions.

(1) "Approved" means approved by the Governor-General in Council.

(2) "Buoyant Apparatus" means buoyant deck seats or buoyant deck chairs or any other buoyant apparatus excepting boats, lifebuoys or life-jackets.

(3) "Length" in connection with a ship means the registered length of the ship.

(4) "Special Boat-deck" means any deck on which boats are carried and of which the space required for the stowage of boats under rule 18 occupies half or more of the length of such deck.

(5) "Surveyor" means a Surveyor appointed under section 129 of the Indian Merchant Shipping Act, 1923.

Davits.

3. (1) (*a*) Every pilgrim ship which carries more than 12 berthed passengers shall be provided in accordance with her length with the number of sets of davits specified in column A of the table in Rule 36.

(*b*) Every pilgrim ship which carries 12 berthed passengers or less shall be provided in accordance with her length with the number of sets of davits specified in column C of the table in Rule 36.

Provided that no pilgrim ship shall be required to have a number of sets of davits greater than the number of lifeboats required to accommodate the total number of persons the ship is certified to carry on the voyage on which she is proceeding.

Provided further that the Governor-General in Council, may where it appears to him necessary, having regard to the height at which boats are carried above the load line and to other circumstances of the case, require a pilgrim ship to carry in lieu of, or in addition to, davits some other approved form of launching apparatus or such arrangements for launching boats as may be, in his opinion, effective.

(2) Each set of davits shall have a lifeboat of class I attached to it and at least one of the lifeboats shall be a motor boat.

(3) If the lifeboats attached to the davits do not provide :—

(*a*) accommodation for all the persons the ship is certified to carry ;

(*b*) the minimum capacity specified in column D of the table in Rule 36,

whichever is less, additional lifeboats of Class I or Class II shall be placed on board to make up the deficiency, and the stowage of the additional boats shall be approved by the Governor-General in Council :

Provided that no ship shall be required to carry lifeboats of an aggregate capacity greater than is required to accommodate the total number of persons the ship is certified to carry on the voyage on which she is proceeding.

Buoyant apparatus.

4. If the lifeboats carried do not provide sufficient accommodation for the total number of persons which is carried or which the ship is certified to carry on the voyage on which she is proceeding, whichever number is the greater, approved buoyant apparatus shall be carried sufficient for those persons for whom accommodation is not provided in lifeboats.

5. If the master or owner of a pilgrim ship claims to carry on any voyage fewer lifeboats and approved buoyant apparatus than will provide sufficient accommodation for all the persons for which the ship is certified, he shall declare before the Principal Officer, Mercantile Marine Department, before the time of clearance, that the lifeboats

and approved buoyant apparatus actually carried will be sufficient to accommodate all the persons who will be carried at any time during the voyage. If the aggregate capacity of the lifeboats which he claims to carry on the voyage is less than the minimum capacity specified in column D of the table in Rule 36, the master or owner shall declare that the lifeboats alone will be sufficient to accommodate all the persons who will be carried at any time during the voyage.

Lifebuoys.

6. Every pilgrim ship shall carry lifebuoys of a type approved by the Governor-General in Council in accordance with the following scale :—

| *Length of ship in feet.* | *Minimum number of lifebuoys.* |
|---|---|
| Under 200′ .. .. | 6 of which not less than 2 shall be provided with self-igniting lights. |
| 200′ and under 300′ .. | 8 of which not less than 4 shall be provided with self-igniting lights. |
| 300′ and under 400′ .. | 10 of which not less than 6 shall be provided with self-igniting lights. |
| 400′ and over .. | 12 of which not less than 6 shall be provided with self-igniting lights. |

Lifebuoy lights.

7. (1) Lifebuoy lights shall be self-igniting, shall be provided with a means of attachment to lifebuoys, and shall release and open automatically.

(2) Ships fitted with bridges shall carry a lifebuoy with a self-igniting light attached to it at each side of the navigating bridge in beckets or cleats in such a manner as to admit of instantaneous release and to ensure their dropping clear of the ship's side.

Other lifebuoy lights required under these rules shall be distributed, attached to lifebuoys, to the Surveyor's satisfaction.

(3) All lifebuoy lights required under these rules shall be capable of burning in water for at least 40 minutes. Lights fitted with prickers for opening shall not be accepted.

8. One approved life-jacket shall be carried for each person on board.

Life-jackets.

Power to accept alternatives.

9. The Governor-General in Council may, in general or in any particular case, accept any life saving appliance or arrangement in lieu of a life saving appliance or arrangement required by these rules subject to such conditions as he may impose.

Classification of lifeboats.

10. For the purposes of these rules lifeboats are arranged in the following classes :—

CLASS 1.

A.—*Open lifeboats with internal buoyancy only.*

The buoyancy of a wooden boat of this type shall be provided by watertight air-cases, the total volume of which shall be at least equal to one-tenth of the cubic capacity of the boat.

In the case of a metal boat an addition shall be made to the cubic capacity of the airtight compartments, so as to give it buoyancy equal to that of the wooden boat.

B.—*Open lifeboats with internal and external buoyancy.*

The internal buoyancy of a wooden boat of this type shall be provided by watertight air-cases, the total volume of which shall be at least equal to seven and a half per cent. of the cubic capacity of the boat.

If the external buoyancy is of cork, its volume, for a wooden boat, shall not be less than thirty-three thousands of the cubic capacity of the boat; if of any material other than cork, its volume and distribution shall be such that the buoyancy and stability of the boat are not less than that of a similar boat provided with external buoyancy of cork.

In the case of a metal boat an addition shall be made to the cubic capacity of the airtight compartments, so as to give buoyancy equal to that of the wooden boat.

C.—*Pontoon lifeboats having a well deck and fixed watertight bulwarks.*

The area of the well deck of a boat of this type shall be at least thirty per cent. of the total deck area. The height of the well deck above the water-line at all points shall be at least equal to one-half per cent. of the length of the boat, this height rising to one and a half per cent. of the length of the boat at the ends of the well.

The freeboard of a boat of this type shall be such as to provide for a reserve buoyancy of at least thirty-five per cent.

CLASS 2.

*A.—Open lifeboats having the upper part of the side collapsible.*

A boat of this type shall be fitted both with watertight air cases and with external buoyancy, the volume of which, for each person which the boat is able to accommodate, shall be at least equal to the following amounts :—

| | Cubic feet. |
|---|---|
| Air-cases .. .. .. .. .. .. | 1·5 |
| External buoyancy (if of cork) .. .. .. .. | 0·2 |

The minimum freeboard of boats of this type is fixed in relation to their length ; it shall be measured vertically to the top of the solid hull at the side amidships from the water-level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts :—

| Length of the boat in feet. | Minimum freeboard in inches. |
|---|---|
| 26 | 8 |
| 28 | 9 |
| 30 | 10 |

The freeboard of boats of intermediate lengths shall be found by interpolation.

*B.—Pontoon lifeboats having a well deck and collapsible bulwarks.*

All the conditions laid down for boats of Class 1C shall be applied to boats of this type, which differ from those of Class 1C only in regard to the bulwarks.

*C.—Pontoon lifeboats having a flush deck and collapsible bulwarks.*

The minimum freeboard of boats of this type is independent of their length and depends only upon their depth. The depth of the boat shall be measured vertically from the underside of the garboard strake to the top of the deck at the side amidships and the freeboard shall be measured from the top of the deck at the side amidships to the water-level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts, which are applicable without correction to boats having a mean sheer equal to three per cent. of their length :—

| Depth of boat in inches. | Minimum freeboard in inches. |
|---|---|
| 12 | $2\frac{3}{4}$ |
| 18 | $3\frac{3}{4}$ |
| 24 | $5\frac{1}{8}$ |
| 30 | $6\frac{1}{2}$ |

For intermediate depths the freeboard shall be obtained by interpolation.

If the sheer is less than the standard sheer defined above, the minimum freeboard shall be obtained by adding to the figures in the table one-seventh of the difference between the standard sheer and the actual mean sheer measured at the stem and stern post ; no deduction shall be made from the freeboard on account of the sheer being greater than the standard sheer or on account of the camber of the deck.

The collapsible sides or bulwarks of Class II boats shall be watertight.

Motor boats.

11. (1) A motor boat carried as part of the statutory life saving appliances of a pilgrim ship, shall comply with the following conditions :—

(*a*) It shall comply with the requirements for a lifeboat of Class 1, and proper appliances shall be provided for putting it into the water speedily.

(*b*) It shall be adequately provided with fuel and kept so as to be at all times ready for use.

(*c*) It shall be fitted with an approved wireless telegraphy apparatus and searchlight.

(*d*) The motor and its accessories shall be suitably enclosed to ensure operation under adverse weather conditions and provision shall be made for going astern.

(*e*) The speed shall be at least 6 knots when fully loaded in smooth water.

(2) In fixing the volume of the internal buoyancy, and, where fitted, the external buoyancy, regard shall be had to the difference between the weight of the motor and wireless telegraphy installation and their accessories and the weight of the additional persons which the boat could accommodate if these were removed.

Construction of lifeboats.

12 (1) All boats shall be properly constructed, and shall be of such form and proportions that they shall have ample stability in a seaway, and sufficient freeboard when loaded with their full complement of persons and equipment. They shall be fitted and arranged to the satisfation of the Governor-General in Council.

(2) The structural strength of the boats shall be to the satisfaction of the Governor-General in Council. In the case of pilgrim ships, launched on or after the 1st June 1935, the strength shall be sufficient to permit of the boats being safely lowered into the water with the full complement of persons and equipment on board.

Seating accommodation.

(3) In all open boats, all thwart and side seats shall be fitted as low in the boat as practical, and shall provide seating accommodation for all persons, the boat is deemed fit to carry and bottom boards shall be fitted so that the thwarts shall not be more than 2 feet 9 inches above them.

Buoyancy.

(4) Internal buoyancy apparatus shall be constructed of copper or yellow metal of not less than 18 ounces to the superficial foot, or of other durable material, and in open boats of Class 1 may be placed along the sides or at the ends of the boat, but not in the bottom of the boat. External buoyancy apparatus may be of cork or of any other equally efficient approved material : the use of rushes, cork shavings, loose granulated cork, or any other loose granulated substance, and the use of apparatus dependent upon inflation by air is prohibited.

Sheer.

(5) Open lifeboats of Class 1 shall have a mean sheer at least equal to four per cent. of their length.

Pontoon lifeboats.

(6) Pontoon lifeboats may be built of wood or metal. If constructed of wood, they shall have the bottom and deck made of two thicknesses with textile material between : if of metal, they shall be divided into watertight compartments with means of access to each compartment and shall be provided with at least two bilge pumps.

(7) All pontoon lifeboats shall be fitted with efficient means for quickly clearing the deck of water. The orifices for this purpose shall be such that the water cannot enter the boat through them when they are intermittently submerged. The number and size of the orifices shall be determined by the Governor-General in Council for each type of boat by a special test.

For the purpose of this test :—

(*a*) The pontoon boat shall be loaded with a weight of iron equal to that of its complement of persons and equipment.

(*b*) In the case of a boat 28 feet in length, two tons of water shall be cleared from the boat in a time not exceeding the following :—

| | |
|---|---|
| Class 1C .. .. .. .. | 60 seconds. |
| Class 2B .. .. .. .. | 60 seconds. |
| Class 2C .. .. .. .. | 20 seconds. |

In the case of a boat having a length greater or less than 28 feet the weight of water to be cleared in the same time shall be for each type directly proportional to the length of the boat.

(8) No boat shall be accepted as a lifeboat the buoyancy of which depends upon the previous adjustment of one of the principal parts of the hull.

(9) All boats shall be fitted for the use of a steering oar.

Marking of lifeboats.

(10) All boats shall be permanently marked to the satisfaction of the Governor-General in Council in such a way as to indicate plainly their dimensions and the number of persons for which they are approved. Boats that have been properly marked need not be re-measured, unless there is reason to believe that the marks have been tampered with or are otherwise defective or improper.

(11) No boat may be approved the weight of which, when fully laden with persons and equipment, exceeds 20 tons and boats certified to carry 100 per ons or more shall be motor boats.

Number of persons.

13. (1) The number of persons which a life-boat shall be deemed fit to carry shall be equal to the greatest whole number obtained by dividing the capacity of the boat in cubic feet, or the surface of the boat in square feet, as the case may be (calculated as provided by rules 14 and 15), by the standard unit of capacity, or unit of suface, defined below.

(2) The cubic capacity in feet of a boat in which the number of persons is determined by the surface shall be assumed to be the ten times the number of persons which the boat is authorised to carry.

(3) The standard units of capacity and surface are as follows :—

| Units of capacity. | Cubic feet. |
|---|---|
| Class IA .. .. .. | 10 |
| Class IB .. .. .. | 9 |
| **Units of surface** | **Square feet.** |
| Class 2A .. .. .. | $3\frac{1}{2}$ |
| Class 2C .. .. .. | $3\frac{1}{2}$ |
| Class 1C .. .. .. | $3\frac{1}{4}$ |
| Class 2B .. .. .. | $3\frac{1}{4}$ |

(4) The Governor-General in Council may accept a smaller divisor for pontoon boats of Class 1C and Class 2B, if he is satisfied after trial that the numder of persons for whom there is seating accommodation in the boat in question is greater than the number obtained by applying the above divisor provided always that the divisor adopted in place of $3\frac{1}{4}$ shall never be less than 3.

(5) The number of persons obtained by the above rules shall be reduced :—

(*i*) if it is greater than the number of persons for which there is proper seating accommodation, the latter number being determined in such a way that the persons when seated do not interfere in any way with the use of the oars, or

(*ii*) if, in the case of boats other than open boats of Class 1, the freeboard when the boat is fully loaded is less than the freeboard required by these rules.

Test afloat.

(6) If the Surveyor is doubtful as to the number of persons any boat is fit to carry he may require the boat to be tested afloat with the intended number of persons on board.

(7) The Surveyor may limit the number of persons to be allowed in boats with very fine ends and in boats very full in form.

Children.

(8) Two children under the age of twelve years may be carried in place of one adult person.

Cubic capacity of open boats of Class 1.

14. (1) In the case of an open boat of Class 1 the cubic capacity shall be determined by the following formula :—

$$\text{Capacity} = \frac{l}{12}(4A+2B+4C)$$

*l* denotes the *length* of the boat in feet from inside of the planking or plating at the stem to the corresponding point at the stern post ; in the case of a boat with a square stern the length is measured to the inside of the transom.

*A, B, C* denote respectively the *areas of the cross-sections* at the quarter length forward, amidships, and the quarter length aft, which correspond to the three points obtained by dividing *l* into four equal parts (the areas corresponding to the two ends of the boats are considered negligible).

The areas A, B, C shall be deemed to be given in square feet by the successive application of the following formula to each of the three cross-sections :—

$$\text{Area} = \frac{h}{12}(a+4b+2c+4d+e)$$

*h* denotes the *depth* measured in feet inside the planking or plating from the keel to the level of the gunwale, or, in certain cases, to a lower level, as determined hereafter.

*a, b, c, d, e* denote the *horizontal breadths* of the boat measured in feet to the inside of the planking at the upper and lower points of the depth and at the three points obtained by dividing *h* into four equal parts (*a* and *e* being the breadths at the extreme points, and *c* at the middle point, of *h*).

(2) If the sheer of the gunwale, measured at the two points situated at a quarter of the length of the boat from the ends, exceeds 1 per cent. of the length of the boat, the depth employed in calculating the area of the cross-sections *A or C* shall be deemed to be the depth amidships *plus* 1 per cent. of the length of the boat.

(3) If the depth of the boat amidships exceeds 45 per cent. of the breadth, the depth employed in calculating the area of the midship cross-section *B* shall be deemed to be equal to 45 per cent. of the breadth, and the depth employed in

calculating the areas of the quarter length sections *A* and *C* shall be obtained by increasing this last figure by an amount equal to 1 per cent. of the length of the boat, provided that in no case shall the depths employed in the calculation exceed the actual depths at these points.

(4) If the depth of the boat is greater than 4 feet, the number of persons given by the application of these rules shall be reduced in proportion to the ratio of 4 feet to the actual depth, until the boat has been tested afloat with that number of persons on board all wearing life-jackets. and the test has proved satisfactory.

(5) The cubic capacity of a boat may be assumed to be the product of the length, the breadth and the depth multiplied by 0·6 in cases where it is clear that this formula does not give a greater capacity than that obtained by the above method. The dimensions shall then be measured in the following manner :—

*Length*—From the intersection of the outside of the planking with the stem to the corresponding point at the stern post or, in the case of a square sterned boat, to the after side of the transom.

*Breadth*—From the outside of the planking at the point where the breadth of the boat is greatest ;

*Depth*—Amidships inside the planking from the keel to the level of the gunwale, but the depth used in calculating the cubic capacity may not in any case exceed 45 per cent. of the breadth.

In all cases the shipowner shall have the right to require that the cubic capacity of the boat shall be determined by exact measurement.

(6) If the oars are pulled in rowlocks, the bottom of the rowlocks shall be considered as the gunwale in measuring the depth of the boat.

Cubic capacity of motor boats.

(7) The cubic capacity of a motor boat shall be obtained from the gross capacity by deducting a volume equal to that occupied by the motor and wireless telegraphy installation and their accessories.

Deck area and capacity of pontoon boats and of open boats of Class 2

15. In the case of pontoon boats and of open boats of Class 2 the surface in square feet shall be determined by the following formula.

$$\text{Area} = \frac{l}{12}(2a+1{\cdot}5b+4c+1{\cdot}5d+2e)$$

$l$ denotes the *length* in feet from the intersection of the outside of the planking with the stem to the corresponding point at the stern post.

$a, b, c, d, e$, denote the *horizontal breadths* in feet outside the planking at the points obtained by dividing $l$ into four equal parts and sub-dividing the foremost and aftermost parts into two equal parts ( $a$ and $e$ being the breadths at the extreme sub-division, $c$ at the middle point of the length and $b$ and $d$ at the intermediate points).

Size of boats.

16. No boat carried in compliance with these rules shall have a capacity of less than 125 cubic feet.

Weight of persons.

17. In the tests prescribed by these rules for determining the number of persons which a boat can accommodate each person shall be assumed to be an adult person wearing a life-jacket.

In verifications of freeboard the pontoon boats shall be loaded with a weight of a least 165 lbs. for each adult person that the pontoon boat is authorised to carry.

Appliances for lowering boats.

18. (1) The davits shall be of approved form and shall be suitably placed to the satisfaction of the Governor-General in Council. They shall be fitted on one or more of the decks in such positions that the boats can be efficiently lowered from them, and shall be so spaced and placed that the boats can be swung out with facility. Davits shall not be fitted in the bows of a ship, but they may be fitted in any other position in the ship, provided that the boats are not brought into dangerous proximity to a propeller at the time of launching.

(2) The davits, falls, blocks, and all other gear required for lowering the boats, shall be of sufficient strength to the satisfaction of the Governor-General in Council. In the case of pilgrim ships launched on or after the 1st June, 1935, they shall be of such strength that the boats can be lowered safely with the full complement of persons and equipment, the ship being assumed to have a list of 15 degrees.

(3) In the case of pilgrim ships launched on or after the 1st June, 1935, the davits shall be fitted with gear of sufficient power to ensure that the boats can be turned out against the maximum list under which the lowering of the boats is possible or the davits shall be of the quadrant or other such type as will ensure the above condition being fulfilled.

(4) The boat's falls shall be long enough to lower the boat into the water with safety when the vessel is light with a list of 15 degrees. Life-lines shall be fitted to the davit spans, and shall be long enough to reach the water when the vessel is light with a list of 15 degrees. Hooks shall not be attached to the lower tackle blocks.

(5) Means shall be provided for speedily, but not necessarily simultaneously or automatically, detaching the boats from the falls; the boats placed under davits shall be attached to the falls and kept ready for service; the points of attachment of the boats to the falls shall be sufficiently away from the ends of the boats to ensure their being easily swung clear of the davits; the boats chocks shall be of such construction and arrangements as shall be satisfactory to the Governor-General in Council.

(6) Where more than one boat is served by the same set of davits, if the falls are of rope, separate falls shall be provided to serve each boat but where wire falls are used with mechanical appliances for recovering them, separate falls need not be provided.

The appliances used shall be such as to ensure lowering the boats rapidly in turn.

Where a mechanical appliance is fitted for the recovery of falls efficient hand gear shall also be provided.

(7) The Governor-General in Council may accept in lieu of davits or sets of davits any other appliance, appliances or arrangements, which appear to him at least as effective as davits for placing the boats in the water.

**Buoyant apparatus.**

19. Approved buoyant apparatus, whether buoyant deck seats, buoyant deck chairs or other buoyant apparatus, shall be deemed sufficient, so far as buoyancy is concerned, for a person or number of persons to be ascertained by dividing the number of pounds of iron which it is capable of supporting in fresh water by 32, and if the apparatus depends for its buoyancy on air shall not require to be inflated before use.

The number of persons to be supported shall be limited to the number of feet in the perimeter of the apparatus.

Such approved buoyant apparatus shall comply with the following conditions :—

(1) It shall be of approved material and construction.

(2) It shall be reversible and shall be effective and stable when floating either way up.

(3) It shall be of such size, strength and weight that it can be handled without mechanical appliances and, if necessary can be thrown from the vessel's deck on which it is stowed.

(4) The air-cases or equivalent buoyancy shall be placed as near as possible to the side of the apparatus.

(5) It shall be marked in such a way as plainly to indicate that it is buoyant and the number of persons for which it is approved.

**Stowing of boats, rafts, etc.**

20. (1) All boats attached to davits and all boats stowed under boats attached to davits shall be stowed in such a way that—

(a) they can be safely launched in the shortest possible time;

(b) they will not impede in any way the prompt handling of any other of the lifeboats attached to davits or stowed under boats attached to davits or the buoyant apparatus carried under Rule 4 or the marshalling of the persons on board at the launching stations, or their embarkation;

(c) even under conditions of list and trim unfavourable from the point of view of the handling of the boats as large a number of persons as possible can be embarked in them;

(d) except as hereinafter provided, they shall be so stowed as not to require lifting before being launched and so secured that they will have the best chance of floating free from the ship in case there is no time to launch them.

(2) With regard to the stowage of other additional lifeboats and buoyant apparatus the following provisions shall apply :—

(a) They shall not impede in any way the prompt handling of the lifeboats attached to davits or the additional boats stowed under boats attached to davits or the buoyant apparatus or the marshailing of the persons on board at the launching stations or their embarkation ;

(b) the lifeboats may be stowed one above the other, or they may, subject to such conditions as the Governor-General in Council may impose, be fitted one within another, but where boats so fitted require lifting before being launched, they shall only be permitted if attached to davits operated by mechanical powers appliances ;

(c) the lifeboats may be stowed in rows across a deck, bridge or poop ;

(d) as large a number of the boats as possible shall be capable of being launched on either side of the ship, either by means of approved appliances for transferring them from one side of the deck to the other, or by stowing in rows across the deck, or by some other equally satisfactory means ;

(e) means shall be provided to the satisfaction of the Governor-General in Council for lowering the lifeboats into the water in the shortest possible time.

(3) Where a boat is stowed underneath another boat there shall be provided approved removable supports or other approved appliances, so as to secure that the weight of a boat is not unduly supported by the boat underneath it ;

(4) boats may only be stowed on more than one deck on condition that proper measures are taken to prevent the boats from a lower deck being fouled by those from a deck above ;

(5) all buoyant apparatus shall be so stowed as to be readily available in case of emergency.

Equipment for boats and buoyant apparatus.

21. (1) Every boat which is carried by any pilgrim ship shall be equipped as follows :—

(a) With the full single banked complement of oars, and two spare oars, and a steering oar.

(b) With two plugs for each plug hole, attached with lanyards or chains, and one set and a half of thole pins or crutches, attached to the boat by sound lanyards. Plugs shall not be required where proper automatic valves are fitted.

(c) With a sea anchor, a bailer, a galvanised iron bucket, a rudder and a tiller, or yoke and yoke lines, a painter of sufficient length, and a boat-hook. The rudder, the bailer, and the bucket shall be attached to the boat by sufficiently long lanyards, and kept ready for use.

(d) With a vessel or vessels capable of holding one quart for each person that the boat is deemed fit to carry. Each such vessel shall be kept filled with fresh water, and provided with a dipper with lanyard.

(e) With two hatches, one to be kept in each end of the boat, and to be attached, to the boat by a lanyard.

(f) With a line securely becketted round the outside of the boat.

(g) With an efficient lantern trimmed, with oil in its receiver sufficient to burn eight hours ; or with some other lantern or light at least as effective, approved by the Governor-General in Council.

(2) In addition to the equipment prescribed in sub-rule (1), the boats shall be equipped with :—

(a) A mast or masts, and at least one good sail and proper gear for each ; but this does not apply to an approved motor boat.

(b) An efficient compass.

(c) An airtight case containing two pounds of biscuits for each person for whom the boat is approved.

(d) One gallon of vegetable or animal oil, and a vessel of approved pattern for distributing it on the water in rough weather. This vessel shall be capable of being attached to the sea anchor.

(e) One dozen self-igniting red lights in a watertight tin, and a box of suitable matches in a water-tight tin.

(f) 1 lb. of condensed milk for each person the boat is certified to carry.

(3) All buoyant apparatus carried by a pilgrim ship shall be equipped as follows :—

(a) With two paddles and one boathook or two paddles and boathooks combined attached to the buoyant apparatus by lanyards.

(b) A painter of sufficient length.

(c) A line securley becketted round the outside of the apparatus.

(d) A self-igniting light and two signal flares of approved pattern, the self-igniting light to be attached to the buoyant apparatus by lanyards of suitable length :

Provided that on buoyant apparatus, designed to support less than twenty-five persons the paddles, boathook, light and flares need not be carried.

(4) All boats and buoyant apparatus shall be fully equipped before the ship leaves harbour and the equipment shall remain in the boat or buoyant apparatus throughout the voyage while the ship is at sea or shall be stowed in some convenient place where it will be immediately available in case of emergency.

(5) A motor boat need not carry a mast or sail or more than half the complement of oars but shall be provided with two boathooks.

Side ladders.

22. In every pilgrim ship approved rope ladders shall be provided at each set of davits.

Such ladders shall be of sufficient length to reach the waterline at the vessel's lightest sea going draft allowing for a list of 15 degrees and shall be carried in such a manner as to be always available for use in embarking the persons in the boats.

Illumination.

23. On all pilgrim ships in which the boat deck is more than 30 feet above the water, provision shall be made for the illumination from the ship of the lifeboats when alongside and in process of or immediately after being launched.

Life-jackets.

24. An approved life-jacket shall mean a jacket of approved material and construction, which is capable of floating in fresh water for 24 hours with 16½ lbs. of iron suspended from it, or any other approved appliance of equal buoyancy and capable of being fitted on the body. It shall be reversible and suitable both for adults and children. Life-jackets the buoyancy of which depends on air compartments are prohibited.

Lifebuoys.

25. (1) (a) An approved lifebuoy shall be of solid cork or other, equivalent material. It shall be capable of floating in fresh water for at least 24 hours with 32 lbs. of iron suspended from it.

(b) Lifebuoys filled with rushes, cork shavings, granulated cork or any other loose granulated material, or whose buoyancy depends upon air compartments requiring inflation, are prohibited.

(2) All lifebuoys shall be fitted with beckets securely seized, and at least one on each side of the ship shall be fitted with a life-line at least 15 fathoms in length.

Position of lifebuoys and life-jackets.

26. All lifebuoys and life-jackets shall be suitably placed to the satisfaction of the Surveyor and so as to be readily accessible to all persons on board and their position shall be plainly indicated so that it may be known to those for whom they are intended.

Lifebuoys shall always be capable of being rapidly cast loose and shall not be rigidly secured in any way.

Life-jackets may be stored either in battens over the passenger decks or in boxes under the charge of serangs as well as in the buoyant seats when these are used. The contents of the boxes shall be clearly painted on them and illustrated notices in the vernacular shall be posted up in different parts of the ship explaining to passengers where to find life-jackets and how to use them. In addition, their use shall be demonstrated by the crew both during boat drills and periodically at other times.

Exemptions.

277. (1) Any lifeboat which forms part of the equipment of a pilgrim ship that was launched before the 1st June 1933, and which has been inspected and approved by the Governor-General in Council before that date, may be accepted as equivalent to a lifeboat so long as it remains in good condition.

(2) Lifeboats which were ordered before the 1st June 1933, in order to complete the equipment of a ship, but which were not delivered in time to be inspected by the Governor-General in Council before that date, may be accepted as equivalent to lifeboats so long as they remain in good condition ;

Provided that such life-boats shall not be so accepted unless—

(a) they have been inspected, where this has not already been done;

(b) they would have complied with the requirements of the rules in force prior to the 1st June 1933.

28. (1) When it appears to the Governor-General in Council, on the application of the owner of a pilgrimship carrying more than 12 berthed passengers, that it is not practicable or reasonable to fit in that ship the number of sets of davits required by these rules, he may authorise under exceptional circumstances a smaller number of sets of davits provided that the number carried shall not be less than the minimum fixed in column B of the table in Rule 36 and that the capacity of the life-boats carried is at least up to the minimum capacity specified in column D of the table.

The owner of such a ship shall be required to satisfy the Surveyor by a practical test in his presence that all the boats carried can be launched in reasonable time, the number of hands employed in the operation not exceeding the total number of boat hands that will be carried on board under normal service conditions and each boat having, when lowered, at least two men on board and its full equipment.

(2) If it appears to the Governor-General in Council, on the application of the owner of any pilgrimship that it is not practicable or reasonable in a particular case to require that pontoon lifeboats, made before the 1st June, 1935, and carried on ships of which the keels were laid on or before that date, shall have the minimum free board specified in these rules or the bottom and deck made in two thicknesses with textile material between the Governor-General in Council may in his discretion dispense with full comlpiance with the rules in these respects subject to such conditions, if any, as the Governor General in Council may impose.

Manning of life-boats, etc.

29. (1) Boat's crews shall be carried in all ships to which these rules apply on the following scale, namely :—

One officer or superior seaman rating and at least two other hands who shall be trained in the operations of launching and handling boats for each life-boat required to be carried under the provisions of these rules and in addition one officer and six hands to clear away the buoyant apparatus carried.

(2) A man capable of working the motor shall be assigned to each motor boat.

(3) The officer or rating placed in charge of each boat shall have a list of its crew and shall see that the men placed under his orders are acquainted with their several duties and stations.

(4) The duty of seeing that the boats and other life-saving appliances are at all times ready for use shall be assigned to one or more officers.

Life-boatmen.

30. From a date to be notified by the Governor-General in Council each life boat shall be in charge of a minimum number of life-boatmen holding certificates of efficiency issued under the authority of a comptent authority. In order to obtain the certificates, the men must prove that they have been trained in all the operations connected with the launching of life-boats and the use of oars; that they are acquainted with the practical handling of the boats themselves; and further that they are capable of understanding and answering the orders relative to life-boat service.

Muster List.

31. (1) The muster list shall assign duties to the different members of the crew in connection with—

(a) the launching of the boats attached to davits;

(b) the preparation of the other boats;

(c) the equipment of the boats generally;

(d) the closing of the bulkhead doors, etc.;

(e) the mustering of the passengers.

It shall also assign to the members of the Stewards' Department their several duties in relation to the passengers at a time of emergency. These duties shall include—

(a) warning the passengers;

(b) seeing that they are dressed and have put on their life-jackets in a proper manner;

(c) assembling the passengers;

(d) keeping order in the passages and on the stairways and generally controlling the movements of the passengers.

(2) The muster list shall also specify definite alarm signals for calling all the crew to their boats and fire stations and shall give full particulars of the signals.

(3) Before the ship sails, the Master shall draw up and exhibit the muster list and the proper authority shall be satisfied that the muster list has been prepared for the ship and is posted in several parts of the ship and in particular in the crew's quarters.

Drill.

32. (1) In all ships to which these rules apply, a boat drill and a watertight door drill shall be held as soon as possible after leaving the original port of departure and thereafter once a week during the voyage when practicable, at which a number of the male passengers (*e. g.*, the single men) when this is practicable shall be mustered apart from the others in a convenient place whence they can be readily requisitioned to assist in swinging out boats or rounding up falls, etc., if required. Such drills shall be recorded in the official log book.

(2) The Surveyor shall be satisfied, in each case before the ship leaves port, that a return has been devised and communicated to each officer of the ship for securing an efficient working of the boats. In all cases a police system shall be organised to the satisfaction of the Surveyor so as to secure obedience to orders and proper control and guidance of all on board in times of emergency.

(3) In carrying out the boat and watertight door drills the crew will, when practicable, drill in their life-jackets and arrangements shall be made, when possible, for passengers to see the crew putting their life-jackets on. Entries in the official log book shall state whether and when this has been done.

Emergency boat.

33. In all pilgrim ships which are required under these rules to carry two or more boats, an emergency boat shall be carried slung out and ready for action whilst the ship is at sea.

Boat-decks.

34. Special boat-decks shall be kept entirely clear of passengers, and in the case of shade-decks, bridge-decks and poop-decks, which are utilized for carrying passengers as well as boats, a space sufficient for the working of the boats shall be railed off; and where boats stowed on a shade, bridge or poop-deck occupy half or more of the total breadth of the deck, the whole of the space abreast the boats shall be railed off and treated as a special boat-deck.

Stowage.

35. The stowage of boats and buoyant apparatus in any pilgrim ship shall not be passed by the Surveyor as complying with these rules unless he is satisfied that every part of the life-saving equipment is readily available.

Sets of davits and aggregate capacity of life-boats.

36. The following table fixes according to the length of ship the minimum number of sets of davits to be provided in pilgrim ships and the minimum aggregate capacity of the life-boats carried on board in accordance with these rules :—

TABLE.

| Registered Length of the ship in feet. | Number of sets of davits. A. | B. | C. | Minimum aggregate capacity of life-boats in cubic feet. D. |
|---|---|---|---|---|
| 100 and under 120 .. .. .. | 2 | 2 | 2 | 400 |
| 120 ,, 140 .. .. .. | 2 | 2 | 2 | 525 |
| 140 ,, 160 .. .. .. | 2 | 2 | 2 | 762 |
| 160 ,, 175 .. .. .. | 3 | 2 | 2 | 975 |
| 175 ,, 190 .. .. .. | 3 | 2 | 2 | 1,162 |
| 190 ,, 205 .. .. .. | 4 | 4 | 4 | 1,350 |
| 205 ,, 220 .. .. .. | 4 | 4 | 4 | 1,625 |
| 220 ,, 230 .. .. .. | 5 | 4 | 4 | 1,843 |
| 230 ,, 245 .. .. .. | 5 | 4 | 4 | 2,050 |
| 245 ,, 255 .. .. .. | 6 | 4 | 4 | 2,300 |
| 255 ,, 270 .. .. .. | 6 | 4 | 4 | 2,530 |
| 270 ,, 285 .. .. .. | 7 | 4 | 4 | 3,025 |
| 285 ,, 300 .. .. .. | 7 | 6 | 6 | 3,550 |

| Registered Length of the ship in feet. | Number of sets of davits. | | | Minimum aggregate capacity of life-boats in cubic feet. |
|---|---|---|---|---|
| | A. | B. | C. | D. |
| 300 and under 315 .. .. | 8 | 6 | 6 | 4,125 |
| 315 " 330 .. .. .. | 8 | 6 | 6 | 4,625 |
| 330 " 350 .. .. .. | 9 | 6 | 6 | 5,125 |
| 350 " 370 .. .. .. | 9 | 6 | 6 | 5,500 |
| 370 " 390 .. .. .. | 10 | 6 | 6 | 5,875 |
| 390 " 410 .. .. .. | 10 | 8 | 8 | 6,375 |
| 410 " 435 .. .. .. | 12 | 8 | 8 | 6,875 |
| 435 " 460 .. .. .. | 12 | 10 | 8 | 7,500 |
| 460 " 490 .. .. .. | 14 | 10 | 8 | 8,180 |
| 490 " 520 .. .. | 14 | 10 | 10 | 8,875 |
| 520 " 550 .. .. .. | 16 | 10 | 10 | 9,560 |
| 550 " 580 .. .. .. | 16 | 12 | 12 | .. |
| 580 " 610 .. .. .. | 18 | 12 | 12 | .. |
| 610 " 640 .. .. .. | 18 | 12 | 12 | .. |
| 640 " 670 .. .. .. | 20 | 14 | 14 | .. |
| 670 " 700 .. .. .. | 20 | 14 | 14 | .. |

NOTE.—The number of sets of debits and the boat capacities of ships not provided for in the Table shall be prescribed by the Governor General in Council.

37. Whoever does any act in contravention of any of the provisions of these rules shall be punishable with fine which may extend to two hundred rupees.

Penalty.

RAM CHANDRA,
Joint Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

New Delhi, the 10th January 1933.

**No. S.-608.**—In exercise of the powers conferred by section 37 of the Indian Electricity Act, 1910 (IX of 1910) the Governor General in Council is pleased to direct that the following further amendments shall be made in the Indian Electricity Rules, 1922, the same having been previously published as required by section 38 of the said Act, namely :—

1. In sub-rule *(1)* of rule 40-A of the said Rules for the words " a duly licensed electrical contractor " the following shall be substituted, namely :—

" an electrical contractor, licensed by the local Government in this behalf."

2. To sub-rule *(1)* of rule 40-A of the said Rules the following proviso shall be added, namely :—

" Provided that the local Government may by notification in the local official gazette exempt any such description of work as aforesaid either generally or in the case of any specified class of consumers or owners from so much of this sub-rule as requires such work to be carried out by an electrical contractor licensed by the local Government in this behalf."

3. In rule 40-A of the said Rules sub-rule *(2)* shall be omitted and sub-rule *(3)* shall be renumbered " *(2)*."

4. In rule 106-A of the said Rules for the words beginning with " by a duly licensed electrical contractor " and ending with " under that rule " the following shall be substituted, namely :—

" *(a)* under the direct supervision of a person holding a certificate of competency issued by the local Government under that rule ; and

*(b)* in the absence of any applicable exemption under the proviso to sub-rule *(1)* of that rule, by an electrical contractor licensed by the local Government in this behalf ".

A. G. CLOW,
Joint Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA", NEW DELHI, SATURDAY, JANUARY 21, 1933.

## HOME DEPARTMENT.

NOTIFICATION.

JUDICIAL.

New Delhi, the 17th January 1933.

**No. F.-349/32.**—In exercise of the powers conferred by sections 223 and 236 of the Indian Succession Act, 1925 (XXXIX of 1925), the Governor-General in Council is pleased to make the following rules :—

1. In these rules—

(a) "Share capital" includes stock ; and

(b) "Trust business" means the business of acting as trustee under wills and settlements and as executor and administrator.

2. The conditions to be satisfied by a company in order to render it eligible for the grant of probate or letters of administration under the Indian Succession Act, 1925, shall be the following, namely ;—

(1) The Company shall be either—

(a) a company formed and registered under the Indian Companies Act, 1913, or under the Indian Companies Act, 1866, or under any Act or Acts repealed thereby, or under the Indian Companies Act, 1882, or

(b) a company constituted under the law of the United Kingdom of Great Britain and Northern Ireland or any part thereof, and having a place of business in British India.

(2) The company shall be a company empowered by its constitution to undertake trust business.

(3) The company shall have a share capital for the time being subscribed of not less than—

(a) Rs. 10 lakhs in the case of a company of the description specified in sub-clause (a) of clause (1), and

(b) £100,000 in the case of a company of the description specified in sub-clause (b) of clause (1)

of which at least one-half shall have been paid up in cash.

Provided that the Governor-General in Council may exempt any company from the operation of this clause.

C. W. GWYNNE,
Joint Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATIONS.

New Delhi, the 17th January 1933.

**No. 35-I.**—In pursuance of the First Schedule to the Indian Extradition Act, 1903 (XV of 1903), and in supersession of the Notification of the Government of India in the Foreign and Political Department No. 193-I., dated the 13th April 1932, the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Foreign and Political Department, No. 405-I., dated the 20th June 1928, declaring certain units of Indian States Forces to be units desertion from which is an extradition offence, namely :—

For the entries under the heading "Mandi" the following entries shall be substituted, namely :—

"Mandi His Highness' Body Guard.

Mandi Joginder Sappers and Miners.

Mandi Palace Guard."

The 19th January 1933.

**No. 39-H.**—His Excellency the Viceroy will hold an investiture at " The Viceroy's House " New Delhi, on Friday, the 3rd March 1933, at 9-30 P.M.

Applications from Members of British and Indian Orders present in New Delhi, on the 3rd March, who wish to attend, should be submitted not later than the 18th February 1933 after which date no further applications will be considered.

Full dress will be worn.

All communications should be addressed to the Under Secretary in the Foreign and Political Department, New Delhi, and not to the undersigned by name.

C. C. WATSON,
Political Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

### NOTIFICATIONS.

CUSTOMS.

New Delhi, the 21st January 1933.

**No. 3.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Notification of the Government of India in the Finance Department (Central Revenues), No. 14-Customs, dated the 9th April 1932, namely :—

In the said Notification, in Schedule I—Import Duties, (1) under the head "A—General " and sub-head " I—*Duties* generally ", after entry 12B, the following entry shall be inserted, namely :—

| | | |
|---|---|---|
| " 12C. | Wall pictures and diagrams such as are ordinarily used for instructional purposes. | The whole ." |

(2) To the entries under the head " H—Miscellaneous," the following entry shall be added, namely :—

| | | |
|---|---|---|
| " 59 Telegraphic instruments and apparatus and parts thereof imported for supply from bond for use of a Railway Administration. | Provided that—<br>(*i*) At the time of delivering the bill of entry for warehousing a declaration is made thereon by the importer to the effect that the goods have been imported for supply from bond for the use of a Railway Administration ; and<br>(*ii*) A certificate from an Officer of the Railway Administration duly empowered in that behalf by the Agent, is produced along with the application for clearance out of bond that the goods in question are not merely guaranteed stock, but will be definitely appropriated for the use of such Railway on clearance from bond. | So much of the duty as in excess of the duty to which they would be liable, if classified under No. 59 of schedule II of the Indian Tariff Act, 1894 (VIII of 1894). |

**No. 4.**—In exercise of the powers conferred by section 5 of the Motor Spirit (Duties) Act, 1917 (II of 1917), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Motor Spirit (Duties) Order, 1917, namely :—

To sub-clause (4) of clause 11-A of the said Order, the following proviso shall be added, namely :—

" Provided that the motor spirit shall not be removed under section 105 of the said Act or shipped under section 111 of the said Act to a port in an Indian State or in the French or Portuguese possessions in India."

A. H. LLOYD,
Joint Secretary to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATIONS.

TARIFFS.

New Delhi, the 21st January 1933.

**No. 20-T. (3)/33.**—In exercise of the powers conferred by sub-section (3B) of section 3 of the Indian Tariff Act, 1894 (VIII of 1894), the Governor-General in Council is pleased to direct that the following amendments shall be made in the Ottawa Trade Agreement Rules, 1932, namely :—

In the Second Schedule to the said rules—

(1) After Form A, the following form shall be inserted, namely :—

"FORM AA.

KNOW ALL MEN by these presents we of and of (hereinafter referred to as "the Importers") and we (Indenting House or Bankers) of (hereinafter referred to as "the Sureties") are held and firmly bound unto the Right Honourable the Secretary of State for India in Council in the sum of Rs. to be paid to the said Secretary of State in Council his successors or assigns for which payment well and truly to be made we hereby jointly and severally bind ourselves and each of us and each of our heirs and legal representatives firmly by these presents sealed with our respective seals, dated this................ day of....................19 .

WHEREAS we the importers are the importers of the goods named below and we the sureties have been concerned in the purchase by the importers of the said goods (are the Bankers of the Importers) AND WHEREAS to the best of the knowledge and belief of us the Importers and of us the Sureties the said goods fulfil the conditions laid down by the rules made under sub-section 3B of section 3 of the Indian Tariff Act, 1894, for determining their eligibility to a preferential rate of duty under Part VIII or Part IX of the Second Schedule to that Act AND WHEREAS the Importers have not been able to produce at the time of making entry of such goods at the Custom House evidence to satisfy the Customs Collector that those conditions are fulfilled AND WHEREAS the Customs Collector has agreed provisionally to accept duty at the preferential rate pending the production of such evidence and the Importers have agreed that if such evidence is not presented to the Customs Collector within three months of the date of this bond or being so presented is not accepted by him as satisfactory they the Importers will pay to the Customs Collector on demand the difference between the duty paid at the preferential rate and the duty leviable at the standard rate on the said goods NOW the condition of this bond is such that if the necessary evidence as aforesaid shall be produced to the Customs Collector within the said period and he shall accept such evidence satisfactory or if the Importers or failing them the Sureties shall pay on demand the difference between the duty paid at the preferential rate and the duty leviable at the standard rate on the said goods, then the above written bond shall be void, other wise the same shall be and remain in full force and virtue.

Signed, sealed and delivered
by the abovenamed in the
presence of .............................."

(2) In form B, the sign "$\frac{X}{2}$", wherever it occurs, shall be omitted.

J. C. B. DRAKE,
Secretary to the Government of India.

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The 21st January 1933.

**No. 598-T. (14).**—In exercise of the power conferred by section 9 of the Indian Tea Cess Act, 1903 (IX of 1903), the Governor General in Council is pleased, on the recommendation of the Indian Tea Cess Committee, to declare that Sections 2 to 7 of the said Act shall continue in force until the 31st day of March 1938.

T. A. STEWART,
Additional Secretary to the Government of India.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, FEBRUARY 10, 1933.

## PART II.

### Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA", NEW DELHI, SATURDAY, JANUARY 28, 1933

### LEGISLATIVE DEPARTMENT.

NOTIFICATION.

New Delhi, the 26th January, 1933.

**No. 4/33-P.**—The following Statute is published for general information :—

THE EXPIRING LAWS CONTINUANCE ACT, 1932.

(23 Geo. 5, Ch. 2.)

### CHAPTER 2.

An Act to continue certain expiring laws.

A. D. 1932. *[22nd December 1932.]*

Whereas the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire, as respects those mentioned in Part I of that Schedule, on the thirty-first day of December, nineteen hundred and thirty-two, and, as respects that mentioned in Part II thereof, in England on the twenty-fifth day of December, nineteen hundred and thirty-two, and in Scotland on the twenty-eighth day of May, nineteen hundred and thirty-three :

And whereas it is expedient to provide for the continuance, as in this Act mentioned, of those Acts and of the enactments amending or affecting the same :

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Continuance of Acts in Schedule.

1.—(1) The Acts mentioned in Part I of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December, nineteen hundred and thirty-three.

(2) The Act mentioned in Part II of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued in England until the twenty-fifth day of December, nineteen hundred and thirty-three, and in Scotland until the twenty-eighth day of May, nineteen hundred and thirty-four.

(3) Any unrepealed enactments which are temporary in their duration, shall, in so far as they amend or affect the enactments continued by the foregoing provisions of this Act, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

Short title and application to Northern Ireland.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1932.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but subject to this provision this Act shall not apply to Northern Ireland.

SCHEDULE.

PART I.

| 1 | 2 | 3 | 4 |
|---|---|---|---|
| Session and Chapter. | Short title. | How far continued. | Amending Acts. |
| * | * | * | * |
| (3)<br>9 & 10 Geo. 5, c. 92 .. | The Aliens Restriction (Amendment) Act, 1919. | Section one .. | .. |
| * | * | * | * |

D. G. MITCHELL,
Offg. Secretary to the Government of India.

## HOME DEPARTMENT.

NOTIFICATION.

New Delhi, the 26th January 1933.

**No. F.-5-I./30.**—The following Resolution made by the Secretary of State in Council is published for information :—

In exercise of the powers conferred by sub-section (2) of section 96B of the Government of India Act, the Secretary of State, with the concurrence of the majority of votes at a meeting of the Council of India held this 3rd day of January 1933, hereby makes the following amendments in the Military Police (Officers) Rules, namely :—

Rule 5 of the said Rules shall be renumbered "5 (1)" and to the said rule as so renumbered, the following sub-rule shall be added, namely :—

"(2) A period of service with the said Military Police Forces shall count towards the tour of Indian Service for the purpose of leave passage concessions in the case of British Service Officers of the categories referred to in Appendix AA, Passage Regulations (India)."

M. G. HALLETT,
Secretary to the Government of India.

## REFORMS OFFICE.

NOTIFICATION.

New Delhi, the 26th January 1933.

**No. F.-191/1/32-R.**—The services of Mr. A. Latifi, C.I.E., O.B.E., I.C.S., are replaced at the disposal of the Government of the Punjab with effect from the forenoon of the 23rd January 1933.

M. YEATTS,
Deputy Secretary to the Government of India.

## FINANCE DEPARTMENT.

NOTIFICATION.

New Delhi, the 20th January 1933.

**No. D.-456-F.**—In exercise of the powers conferred by clause (*iii*) of sub-section (1) of section 28 of the Imperial Bank of India Act, 1920 (XLVII of 1920), the Governor General in Council is pleased to nominate the following gentlemen, not being officers of Government, to be Governors of the Imperial Bank of India, on and from the 27th January 1933, namely :—

1. Sir Dinshaw Wacha, Kt.
2. Sir Rajendranath Mookerjee, K.C.I.E., K.C.V.O.
3. The Honourable Rajah Sir S. R. M. Annamalai Chettiyar, Kt.
4. Sardar Bahadur Sir Sundar Singh Majithia, Kt.

A. A. L. PARSONS,

Secretary to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATION.

COMMERCE.

New Delhi, the 28th January 1933.

**No. 17-C. (15)/32.**—In exercise of the powers conferred by sub-section (1) of section 71 of the Indian Partnership Act, 1932 (IX of 1932), the Governor General in Council is pleased to direct that the following amendment shall be made in the Indian Partnership (Fees) Rules, 1932, the same having been previously published as required by sub-section (3) of the said section, namely ;—

In rule 3 of the said Rules, for the words " They shall be paid either in cash or by revenue stamps, " the following shall be substituted, namely :—

" They shall be paid in cash. "

T. A. STEWART,

Addl. Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATIONS.

New Delhi, the 26th January 1933.

**No. F.-117/32-L. & O.**—In exercise of the powers conferred by section 7 of the Delhi Laws Act, 1912 (XIII of 1912), and in supersession of the notification of the Government of India in the Home Department No. D.-430-25-Judl., dated the 4th February 1925, the Governor General in Council is pleased to extend the Punjab Alienation of Land Act, 1900 (XIII of 1900), to the territory within the province of Delhi which is specified in Schedule I to the Delhi Laws Act, 1915 (VII of 1915), with the following modifications, namely :—

(1) For clause (*f*) of sub-section (3) of section 2, the following clause shall be substituted, namely : —

" (*f*) the rights enjoyed by the classes of tenants specified in clauses (*a*) to (*d*) of section 6 of the Agra Tenancy Act, 1901. "

(2) In sub-section (1) of section 18, for the words and figures " section 34 of the Punjab Land Revenue Act, 1887, " the words and figures " section 34 of the United Provinces Land Revenue Act, 1901 " shall be substituted.

(3) For section 22, the following section shall be substituted, namely ;—

" 22. Suits relating to the rent to be paid under a mortgage made in accordance with form (*c*) as prescribed by section 6 shall be tried by a Collector."

**No. F.-117/32-L. & O.**—In pursuance of sub-section (3) of section 1 of the Punjab Alienation of Land Act, 1900 (Punjab Act XIII of 1900), as applied to the territory within the province of Delhi which is specified in Schedule I to the Delhi Laws Act, 1915 (VII of 1915), the Governor General in Council is pleased to appoint the 11th March 1933 as the date on which the said Act shall come into force.

G. S. BAJPAI,

Secretary to the Government of India.

FROM THE GAZETTE OF INDIA NEW DELHI, SATURDAY, FEBRUARY 4, 1933.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

New Delhi, the 2nd February, 1933.

**No. 398-G.**—Sardar Sahib Sardar Sudarshan Singh Vaghalia, Deputy Superintendent of Police, Punjab, is appointed Watch and Ward Officer in the Legislative Assembly Department with effect from the 30th January 1933 as a temporary measure.

S. C. GUPTA,

Secretary to the Government of India.

## FINANCE DEPARTMENT.

NOTIFICATIONS.

New Delhi, the 1st February 1933.

**No. F.-2-XXVI-R.-II./32.**—In exercise of the powers conferred by rules 33 (2), 37, 42 and 44 (*d*) of the Civil Services (Classification, Control and Appeal) Rules, 1930, the Governor General in Council is pleased to make the following amendments in the Civil Pensions (Commutation) Rules, namely :—

(1) For the last sentence of the substantive part of clause (1) of rule 6 of the said Rules, the following shall be substituted, namely :—

The applicant may withdraw his application by written notice despatched at any time before medical examination is due to take place, but this option shall expire on his appearance before a medical authority.

(2) In the proviso to the said clause of the said Rule after the words "the applicant may withdraw his application " the words—

" by written notice despatched " shall be inserted.

**No. F.-793.-R.-I./32.**—In exercise of the powers conferred by Rules 33 (2) and 42 of the Civil Services (Classification, Control and Appeal) Rules, the Governor General in Council is pleased to direct that the amendment to the Superior Civil Services Rules announced in the Finance Department Notification No. F.-7 (93)-R.-I./32, dated the 23rd November 1932, shall have effect from the 27th May 1930.

A. A. L. PARSONS,

Secretary to the Government of India.

## CENTRAL BOARD OF REVENUE.

NOTIFICATION.

INCOME-TAX.

New Delhi, the 4th February 1933.

**No. 3.**—In exercise of the powers conferred by section 59 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendment shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub-section (4) of the said section, namely :—

In the statement in rule 8 of the said Rules, under the head " 2—*Machinery, Plant or Furniture*, " in the sub-entry in the first column specifying the machinery in respect of which the percentage on prime cost allowed is 7½ after the words " Cement Works using rotary kilns " the words " plant and machinery used for the manufacture of wire and wire nails " shall be inserted.

RAM NATH,

Secretary, Central Board of Revenue.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

RESOLUTION.

New Delhi, the 2nd February 1933.

**No. F.-55-19/32-H.**—In February 1930, Mr. M. R. Jayakar, M. L. A., moved a resolution in the Legislative Assembly in the following terms :—

" This Assembly recommends to the Governor General in Council (*a*) to appoint a committee with a non-official majority and an adequate representation of the independent medical profession to inquire into and report on the following points, and (*b*) to hold

over the proposed transfer of the Medical Research Institute, Kasauli, to the Chandbagh building at Dehra Dun till this Committee's Report is considered by the Assembly :—

(1) The most suitable University centre for the establishment of the Central Medical Research Institute;

(2) The constitution of the Governing Body of the Indian Research Fund Association; and

(3) Recruitment for the Medical Research Department."

2. The resolution was withdrawn on an undertaking being given by Government that the consideration of the points referred to in the resolution would be entrusted to a Conference which would be presided over by the Secretary to the Government of India in the Department of Education, Health and Lands and the other members of which would be the Director General, Indian Medical Service, the Public Health Commissioner with the Government of India, the Director of the Central Research Institute at Kasauli, two members of the Legislative Assembly, one member of the Council of State, one representative of each of the Medical Faculties of Indian Universities, one eminent non-medical scientist and one representative of the All-India Medical Association. The Conference met at Simla on the 21st and 22nd July 1930, under the chairmanship of the Honourable Sir Frank Noyce, Kt., C.S.I., C.B.E., I.C.S. Non-official members were invited to give frank and unfettered expression of their views and it was explained by the Chairman at the outset that he and other official members would not participate in voting, although it would be their duty to furnish all necessary information in regard to the questions under discussion. The resolutions adopted by the Conference are reproduced in the Appendix. The Government of India have very carefully considered these resolutions in consultation with the Secretary of State for India and the conclusions reached by them are set out below.

3. *Establishment and location of a Central Medical Research Institute.*—The proposal to locate the Central Medical Research Institute at Dehra Dun was based on the recommendation made by the Committee on the Organisation of Medical Research, of which Sir Walter Fletcher was President. The Committee considered that Dehra Dun was an important centre of scientific, technical and educational activities under the Government of India, due to the location there of the Forest Research Institute, the Railway Institute, the headquarters of the Geodetic Branch of the Survey of India, etc. In making the recommendation the Committee was also influenced by the comparative excellence of the climate and the existence of ample site accommodation conducing, as it thought, to cheapness of building. The majority of the non-official members of the Conference of July 1930, however, recommended that the Institute should be located at a University centre, as they attached considerable value to the association of workers at an institution such as the one proposed with workers at other scientific institutions.

4. After careful consideration the Government of India have decided to abandon the proposal to locate the Institute at Dehra Dun. They have not considered it necessary to come to any conclusion as regards the place other than Dehra Dun where the Institute should be located, as the financial crisis which has arisen makes it certain that no funds will be available in the immediate future for the establishment of an expensive Institute such as the Fletcher Committee proposed. The project for the construction of the Institute must remain in suspense at present and can be taken up only when the financial situation improves. This decision has invested the suggestion to carry out necessary repairs and alterations to the buildings of the Central Research Institute, Kasauli, with added importance, and the Government of India have decided that the minimum alterations and additions which those buildings require should be carried out as soon as possible, with due regard to considerations of economy, so as to enable the Institute to carry on its work until it is possible to resume consideration of the question of establishing a new Institute elsewhere.

5. *Governing Body of the Indian Research Fund Association.*—The Governing Body of the Indian Research Fund Association was composed exclusively of officials until 1927, when the Raja of Parlakimedi who made a munificent donation of Rs. 1 lakh to the Association was appointed a member. The question of liberalising the constitution of the Governing Body was taken up in 1929 and it was decided that it should be enlarged by the inclusion of three representatives of the Indian Legislature, two representatives of Medical Faculties of Universities incorporated by law in India and one eminent non-medical scientist. The Conference of July 1930 recommended the omission of the Director of the Malaria Survey of India and the inclusion of a third representative of the Legislative Assembly, five new representatives of the Medical Faculties of Indian Universities, three representatives of the medical profession and a second non-medical scientist. This recommendation involved an increase in the strength of the Governing Body from 14 to 28 members. It was very carefully considered by the Government of India, but they

came to the conclusion that the great increase of membership proposed would make for unwieldiness, expense and difficulty in the transaction of business. In their opinion it was not necessary to provide for the representation of ordinary medical practitioners on the Governing Body of an Association which was concerned exclusively with highly specialised research work. As regards the representation of the Medical Faculties of Indian Universities, they considered that it would be amply sufficient to increase it by one member only and decided that the representatives to be elected by the Medical Faculties should be persons with scientific training and experience in research or in public health. The Government of India have agreed that the non-medical scientist should be elected in future by the Council of the Indian Science Congress instead of being nominated by the Governor General in Council as at present. They have also decided that the Director of the School of Tropical Medicine and Hygiene, Calcutta, should be appointed a member of the Governing Body in place of the Director of the Malaria Survey of India whose omission had been suggested by the Conference.

6. With the adoption of the changes mentioned above, the Governing Body will in future be constituted as follows :—

*President.*

1. The Member of the Governor General's Executive Council in charge of the Department of Education, Health and Lands.

*Members.*

2. The Secretary to the Government of India, Department of Education, Health and Lands.

3. The Director General, Indian Medical Service.

4. The Public Health Commissioner with the Government of India.

5. The Director, All-India Institute of Hygiene and Public Health, Calcutta.

6. The Director, Central Research Institute, Kasauli.

7. The Director, School of Tropical Medicine and Hygiene, Calcutta.

8. The Raja of Parlakimedi.

9. One eminent non-medical scientist to be elected by the Council of the Indian Science Congress.

10 and 11. Two representatives to be elected by the Legislative Assembly.

12. One representative to be elected by the Council of State.

13—15. Three representatives of Medical Faculties of Universities incorporated by law in India who have had scientific training and experience in research or in public health, to be elected by such Medical Faculties.

*Secretary.*

The Public Health Commissioner with the Government of India, and, during his absence, the Deputy Director-General, Indian Medical Service, will act as Secretary to the Governing Body.

7. The Governing Body will be free to delegate such of its executive functions as it thinks fit to a small working committee.

8. *Recruitment for the Medical Research Department.*—After careful consideration of the recommendations made by the Fletcher Committee and the Conference of July, 1930, the Government of India have decided to constitute a Recruitment and Appointments Board for the Medical Research Department, the composition of which will be as follows :—

*President.*

1. The Member of the Governor General's Executive Council in charge of the Department of Education, Health and Lands or the Secretary to the Government of India in the Department of Education, Health and Lands, if deputed by the Member by general or special order to act as Chairman on his behalf.

*Members.*

2. The Director-General, Indian Medical Service.

3. The Public Health Commissioner with the Government of India.

4. The Director, School of Tropical Medicine and Hygiene, Calcutta.

5. The Director, All-India Institute of Hygiene and Public Health, Calcutta.

6. One Medical or Scientific non-official member of the Governing Body of the Indian Research Fund Association to be elected by that body.

7. One Medical non-official member of the Governing Body of the Indian Research Fund Association to be elected by that body.

8. One of the representatives of the Legislature (whether of the Legislative Assembly or of the Council of State) on the Governing Body of the Indian Research Fund Association to be elected by that body.

*Secretary.*

The Public Health Commissioner with the Government of India, and, during his absence, the Deputy Director-General, Indian Medical Service, will act as Secretary.

9. The Board will advise the Governor General in Council on any question connected with recruitment to the Medical Research Department which the Governor General in Council may refer to it. In particular, it will advise in regard to the method of recruitment and the qualifications of candidates, consider all applications received, and submit to the Governor General in Council a list of the candidates whom it considers most suitable for appointment, in the order of preference. It will be concerned as much with appointments to posts which are reserved for officers of the Indian Medical Service as with posts which are not so reserved, although in the case of posts reserved for officers of the Indian Medical Service its choice will naturally be limited to candidates belonging to that Service.

10. In order to assist the Board on questions connected with recruitment of medical research workers from outside India it has been decided to establish a Consultative Board in England consisting of eminent men to be appointed by the Secretary of State for India. As a general rule, all applications received by the Recruitment Board in India from candidates residing out of India will be referred to the Consultative Board in England for opinion in the first instance before they are taken into consideration together with applications received from candidates in India. The exact relations which should obtain between the Recruitment and Appointments Board in India and the Consultative Board in England have been left to be determined later in consultation with the former body as soon as it has been constituted.

11. *Research Scholarships.*—The recommendations of the Conference of 1930 in regard to the institution of research scholarships were referred for consideration in the first instance to the Governing Body of the Indian Research Fund Association which was primarily concerned with them. In view of the present financial position, the Governing Body have decided to hold the matter in abeyance. The Government of India propose to consider these recommendations further when financial conditions improve and the final views of the Governing Body become available.

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ORDERED that the above Resolution be published in the *Gazette of India* for general information.

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APPENDIX.

*Resolutions passed by the Conference held at Simla on the 21st and 22nd July, 1930, to discuss the location of the proposed Central Medical Research Institute and other matters.*

(1) That a Central Medical Research Institute on the lines advocated by the Fletcher Committee should be located at a University centre as soon as financial conditions permit.

(2) That in view of the good work the Central Research Institute at Kasauli has been doing, this Conference recommends that such funds may be allocated as will enable such minimum additions and alterations as are required to ensure that the work of the Institute is carried on efficiently to be effected, and also to enable a Section on Medical Entomology to be developed there, provided that such allocation of funds will in no way prejudice the establishment of the Central Medical Research Institute at a suitable University centre in the near future and provided also that the recurring and non-recurring expenditure involved is met from Central Revenues without affecting the annual grant to the Indian Research Fund Association.

(3) "That the cost of constructing the proposed Central Research Institute should not be met from the funds of the Indian Research Fund Association."

(4) "That the Governing Body of the Indian Research Fund Association should be constituted as follows :—

The Honourable Member in charge of the Department of Education, Health and Lands—President.

The Secretary to the Government of India, Department of Education, Health and Lands.

The Director-General, Indian Medical Service.

The Public Health Commissioner with the Government of India.

The Director of the Public Health Institute, Calcutta.

The Director-in-Chief of the Medical Research Institute or for the time being the Director, Central Research Institute, Kasauli.

The Raja of Parlakimedi.

One eminent non-medical scientist who should be nominated by the Indian Chemical Society.

One eminent non-medical scientist who should not be a chemist, who should be elected by the General Council of the Indian Science Congress.

Three representatives elected by the Assembly.

One representative elected by the Council of State.

One representative of each Medical Faculty of a University incorporated by law in India elected by such Medical Faculty; and

Three representatives of the medical profession to be elected by the Central Executive Council of the Indian Medical Association

and also any members who qualify under existing rule by virtue of donations made by them to the funds of the Association."

(5) "That the Governing Body should have power to delegate such of its executive functions as it thinks fit to a small working committe e.'

(6) "That the Recruitment and Appointments Board should consist of :—

1. The Public Health Commissioner with the Government of India.
2. The Director-in-Chief, Central Medical Research Institute, when constituted, or till then the Director, Central Research Institute, Kasauli.
3. The Director-in-Chief of the Public Health Institute, Calcutta.
4. One eminent non-medical scientist belonging to the Governing Body of the Indian Research Fund Association, nominated by that body.
5. Three members to be elected by the Governing Body from the representatives of the Medical Faculties and independent medical profession on it.

The Selection Board may co-opt an eminent scientist who has specialised in the subject in which the appointment is to be made.

The Committee may, however, invite for consultation or advice such other scientists as it may deem necessary."

(7) "Until such time as the Recruitment and Appointments Board is established its functions should be discharged by the Governing Body of the Indian Research Fund Association."

(8) "That 20 Research scholarships of the value of Rs. 100 per mensem be instituted, to be awarded by the Governing Body of the Indian Research Fund Association to the various medical institutions which are prepared to train young medical graduates with aptitude for research.'

(9) "That this Conference recommends that, pending the creation of the Central Medical Research Institute, the Government of India should institute scholarships tenable in foreign countries to be given to deserving graduates of Indian Universities for proceeding abroad to get training in special subjects."

(10) "That this Conference recommends that the amount of Rs. 73,000 which Government was to contribute under the scheme for the establishment of a Public Health Institute at Calcutta and for a Medical Research Institute at Dehra Dun as submitted to the Standing Finance Committee in August, 1928, be given as an extra grant to the Indian Research Fund Association."

(11) "That the Central Medical Research Institute when completed shall have the following sections :—

1. Malaria Survey.
2. Medical Biology.

3. Nutrition.

4. Bacteriology (including manufacture of sera and vaccines).

5. Bio-Chemistry.

6. Applied Physiology.

7. Clinical Research."

RAM CHANDRA,

Joint Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

New Delhi, the 2nd February 1933.

**No. S.-601.**—The following draft of certain further amendments to the Indian Electricity Rules, 1922, which it is proposed to make in exercise of the powers conferred by section 37 of the Indian Electricity Act, 1910 (IX of 1910), is published, as required by section 38 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 10th May 1933.

Any objection or suggestion which may be received from any person in respect of the draft before the date specified will be considered by the Governor General in Council.

DRAFT AMENDMENTS.

1. In rule 2 of the said Rules,—

(*a*) in clause (*r*) for the words and figures "Indian Mines Act, 1901" the words and figures "Indian Mines Act, 1923" and for the marginal reference "VIII of 1901" the marginal reference "IV of 1923" shall be substituted ;

(*b*) in clause (*u*) for the word and figures "dated 1919" the word and figures "dated 1929" shall be substituted ;

(*c*) after clause (*u*) the following clause shall be inserted, namely,—

"(*uu*) 'neutral conduct' means a conductor directly connected to that point in a generating or transforming arrangement, which is placed symmetrically with respect to the terminal points of the arrangement."

(*d*) in clause (*v*),—

(*i*) for the brackets and letter '(*e*)' the brackets and letter '(*g*)' shall be substituted ;

(*ii*) for the figures and bracket "13 (*1*)" the figures and brackets "15 (*1*)" shall be substituted ;

(*iii*) for the words and figures "Indian Mines Act, 1901" the words and figures "Indian Mines Act, 1923" and for the marginal reference "VIII of 1901" the marginal reference "IV of 1923" shall be substituted.

2. For sub-rule (*3*) of rule 13 of the said Rules the following sub-rule shall be substituted, namely :—

"(*3*) The advertisement shall be inserted by the applicant in at least three successive issues of such newspaper as the local Government, having regard to its circulation among persons likely to be interested, may direct, and, in the absence of any such direction, in at least three successive issues of any newspaper published within the proposed area of supply, or if there is no such newspaper, of any newspaper published within the province."

3. In rule 16 of the said Rules for the marginal subject "Grant of licence" the marginal subject "Approval of draft licence" shall be substituted.

4. In rule 17 of the said Rules for the word 'proposed' the word 'approved' shall be substituted.

5. After rule 40-A of the said Rules the following heading and rule shall be inserted, namely :—

"*Control of Energy.*—40 B (*1*) The supply of energy at any pressure to every building or structure, or at any place, shall be efficiently controlled by suitable linked switches of requisite capacity to carry and break the current in each conductor simultaneously, placed near the point of entry of the electric supply line on the consumer's or owner's premises, as the case may be, and in such a position as to be readily accessible to the consumer or owner.

(*2*) The supply of energy at any pressure to every apparatus which uses energy at a rate exceeding 250 watts, shall be efficiently controlled by suitable linked switches of requisite capacity to carry and break the current in each conductor simultaneously, placed near the apparatus in such a position as to be readily handled by the operator, so that by their means all pressure can be cut off from the apparatus concerned and from any device in connection therewith.

(*3*) The linked switches referred to in sub-rules (*1*) and (*2*) shall be mounted in one box and shall be protected by a mechanically strong metallic casing or metallic covering securely fastened throughout.

Provided that, in places other than factories, if the supply is at low pressure, the projecting covering may consist of stout and durable insulating material, but it shall be so constructed that no metal parts shall be exposed.

(*4*) In the case of motors using energy at a rate exceeding 250 watts, the linked switches specified in sub-rule (*2*) shall be in addition to and entirely separate from any starting switch or other device used in connection therewith."

6. In rule 87 of the said Rules for the words and figures "Indian Mines Act, 1901" the words and figures "Indian Mines Act, 1923" and for the marginal reference "VIII of 1901" the marginal reference "IV of 1923" shall be substituted.

A. G. CLOW,

Joint-Secretary to the Government of India.

1830 CS—810—10-2-33—SGPP Lahore.

**Registered No. L. 864.**

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, FEBRUARY 17, 1933.

## PART II.

## Republications from the " Gazette of India."

FROM THE " GAZETTE OF INDIA," DATED NEW DELHI, SATURDAY, JANUARY 28, 1933.

### HOME DEPARTMENT.

RESOLUTION.

PUBLIC.

New Delhi, the 23rd January 1933.

**No. F.-18-2/33.**—In pursuance of sub-section (1) of section 40 of the Government of India Act, the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Resolution of the Government of India in the Home Department, No. F.-18-3/32 Public, dated the 9th August 1932, regarding the signing of orders and other proceedings of the Governor-General in Council, namely :—

In clause (1) of the said Resolution for the words " Deputy Secretary " the words " Assistant Secretary " shall be substituted.

C. W. GWYNNE,

Joint Secretary to the Government of India.



1869 CS - 810—17-2-33—SGPP Lahore.

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In clause (1) of the said Resolution for the words "Deputy Secretary" the words "Assistant Secretary" shall be substituted.

C. W. GWYNNE,

*Joint Secretary to the Government of India.*



1589 CS—810—17-2-33—SGPP Lahore.

Registered No. L. 864.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, FEBRUARY 24, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, JANUARY, 28, 1933.

### HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

New Delhi, the 26th January 1933.

**No. F.-49/14/32.**—Insert the words "and in the territories bounded thereby" between the words "In Indian waters" and "for ceremonial purposes" occurring in the first line of Note (5) below the table showing the relative rank of officers in the Royal Navy, the Army, the Royal Air Force and the Royal Indian Marine, published with the Home Department Notification No. F.-49-14/32-Public, dated the 17th December 1932.

C. W. GWYNNE,

Joint Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, FEBRUARY 11, 1933.

### HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

New Delhi, the 4th February 1933.

**No. F.-224/32.**—In the Home Department Notification No. F.-224/32-Ests., dated the 5th January 1933, regarding the grant of an extension of leave on half average pay to Sir Herbert Emerson, K.C.S.I., C.I.E., C.B.E., I.C.S., Secretary to the Government of India, Home Department, for the words "three and a half months" read "four months".

The 8th February 1933.

**No. F.-10/3/33.**—The following Resolution passed by the Secretary of State for India in Council is published for general information:—

In exercise of the powers conferred by sub-section (2) of section 96B of the Government of India Act, the Secretary of State for India, with the concurrence of the

majority of votes at a meeting of the Council of India held this 3rd day of January 1933, hereby makes the following amendments in the Superior Civil Services Rules, namely:—

In Schedule VII to the said Rules under the head "C.—Indian Forest Service"—

(a) In Part I—"Sanctioned Strength" in the first and fourth lines of the column relating to the Punjab (with North-West Frontier Province), for the figures "23" and "31" the figures "22" and "30" shall be substituted respectively.

(b) In part II—"Classification of Posts", in the second and fourth lines of the entry relating to the Punjab (with North-West Frontier Province), for the figures "4" and "23" the figures "3" and "22" shall be substituted respectively.

C. W. GWYNNE,

Joint Secretary to the Government of India.

POLITICAL.

The 3rd February 1933.

**No. D.-568/33.**—Munshi Khairat Nabi, Officer on Special Duty with the Intelligence Bureau, Home Department, Government of India, is granted seven months' leave on full average pay on medical certificate, with effect from the afternoon of the 24th January 1933.

M. G. HALLETT,

Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATIONS.

ORDER OF THE STAR OF INDIA.

New Delhi, the 7th February 1933.

**No. 56-S. I.**—The following extract from the *London Gazette*, dated Tuesday, the 10th January 1933, is published for general information:—

CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

St. James's Palace, S. W.-1,

10th January 1933.

The King has been graciously pleased to give orders for the following promotion in the Most Exalted Order of the Star of India:—

*To be an additional Knight Commander of the said Most Exalted Order.*

Herbert William Emerson, Esquire, C.S.I., C.I.E., C.B.E., Indian Civil Service, Governor Designate of the Punjab.

* * * * * * * *

By order of the Grand Master,

C. C. WATSON,

Secretary to the Most Exalted Order of the Star of India.

The 8th February 1933.

**No. 59-E.**—Lieutenant J. E. A. Bazalgette, of the Political Department, is placed under the orders of the Hon'ble the Resident at Hyderabad for training, with effect from the afternoon of the 10th January 1933.

C. C. WATSON,

Political Secretay to the Government of India.

## FINANCE DEPARTMENT.

RESOLUTION.

New Delhi, the 31st January 1933.

**No. F.-6-VI-R.-II/33.**—The following Resolution by the Secretary of State for India in Council is published for general information:—

In exercise of the powers conferred by Sub-section (2) of Section 96B of the Government of India Act the Secretary of State, with the concurrence of the majority of votes at a meeting of the Council of India held this 6th day of December, 1932, hereby makes the following amendments to the Civil Service Regulations, namely:—

(1) In Article 465A of the said Regulations, for the words "in the case of Imperial Officers of the Forest, Geological Survey, Public Works, Railway and Tele-

graph Departments and any others who would be covered by Article 635 not less than twenty years" the following shall be substituted:—

"in the case of officers of Imperial Services of the Forest, Geological Survey, Public Works, Railway and Telegraph Departments and any others covered by Article 635 who entered the service before the 6th day of December, 1932, not less than twenty years".

(2) In Clause (*i*) of Article 474A of the said Regulations, for the words "Imperial Officers of the Forest . . . . Article 635", the following shall be substituted, namely "Officers of the Imperial Services of the Forest, Geological Survey, Public Works, Railway and Telegraph Departments and any others covered by Article 635 who entered service before the 6th day of December, 1932".

(3) In article 476 of the above Regulations, for the first clause the following shall be substituted, namely:—"The following special scale of pension is admissible to officers appointed in England to the Imperial Services of the Forest and Geological Survey Departments before the 6th day of December 1932, and who did not elect the Rules mentioned in Article 349A".

(4) In Article 635 of the said Regulations, the full stop at the end shall be changed into a comma, and the words "and of officers included in clause (*c*) of Article 627 appointed on or after the 6th day of December 1932" shall be inserted at the end.

(5) In Article 636 of the said Regulations, for the first sentence the following shall be substituted, namely, "The pensionary claims of officers of the classes described in Article 627 and the note under it whose cases have not been provided for in the preceding article will be governed by the ordinary Rules in Part iv.

(6) In Article 641 of the said Regulations, after the words "officers defined in Article 635" the words "who entered service before the 6th day of December, 1932, and did not elect the pension rules mentioned in Article 349A" shall be substituted.

A. A. L. PARSONS,

Secretary to the Government of India.

## CENTRAL BOARD OF REVENUE.

NOTIFICATION.

INCOME-TAX.

New Delhi, the 11th February 1933.

**No. 5.**—In exercise of the powers conferred by sub-section (*5*) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), and in supersession of its notifications Nos. 27-Income-tax, dated the 14th July 1928 and 6-Income-tax, dated the 9th March 1929, the Central Board of Revenue appoints the Income-tax Officer, Railways and Miscellaneous Salaries Circle, Calcutta, the Assistant Commissioner of Income-tax, Calcutta, and the Commissioner of Income-tax, Bengal, to perform all the functions of an Income-tax Officer, Assistant Commissioner of Income-tax and the Commissioner of Income-tax, respectively, in respect of the persons specified in the annexed Schedule.

*Schedule.*

(1) Pensioners and persons employed in Army Factories whose pensions and salaries are payable from Army estimates through the Controller of Military Accounts, Eastern Command, Meerut and Lucknow Districts, Meerut, who reside in Bengal.

(2) Military employés under the audit of the Controller of Army Factory Accounts, Calcutta, who are serving outside Bengal or whose pension is disbursed by the said officer.

(3) Government servants serving outside Bengal who are under the audit of the Deputy Accountant-General, Central Revenues, Calcutta.

RAM NATH,

Secretary, Central Board of Revenue.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

New Delhi, the 2nd February 1933.

**No. A-197.**—In exercise of the powers conferred by sub-section (*1*) of section 57 and sub-section (*1*) of section 77 of the Indian Patents and Designs Act, 1911 (II of 1911), the Governor-General in Council is pleased to make the following rules, the same having been previously published as required by sub-section (*2*) of the last named section, namely:—

CHAPTER I.

**Preliminary.**

**1.** (*1*) These rules may be called the Indian Patents and Desigs Rules, 1933. **Short title and commencement.**

(*2*) They shall come into force on the 1st April 1933.

Definitions.

**2.** In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "Act" means the Indian Patents and Designs Act, 1911;

(*b*) "British Application" means an application by any person for the protection, in any part of His Majesty's dominions or in any State in India, of an invention, for the protection of which in British India the provisions of section 78A of the Act are for the time being applicable;

(*c*) "Controller" means the Controller of Patents and Designs appointed under section 56 of the Act, and includes any officer appointed to act for him;

(*d*) "Office" means the Patent Office provided under section 55 of the Act;

(*e*) "Reciprocity Application" means an application in British India under section 78A of the Act;

(*f*) "Set" means a number of articles of the same general character ordinarily on sale together, or intended to be used together, all bearing the same design, with or without modifications not sufficient to alter the character or substantially to affect the identity thereof.

Communications to the Office.

**3.** Any application, notice, or other document authorised or required to be left, made or given at the Office, or to the Controller, may be sent by hand, or by a prepaid letter through the post, addressed to the Controller of Patents and Designs, 1, Council House Street, Calcutta, and, if sent by a prepaid letter, shall be deemed to have been left, made or given at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

Address for service.

**4.** Every applicant or opponent in any proceeding under the Act or these rules, and every person who shall hereafter become a patentee or a registered proprietor of a design, shall give an address for service in British India, and such address may be treated, for all purposes connected with the patent or the design, as the actual address of such applicant, opponent, patentee or registered proprietor. Unless such an address is given, the Controller shall be under no obligation either to proceed with the application or the opposition, or to send any notice that may be required by the Act or these rules.

Fees.

**5.** (*1*) The fees to be paid in respect of the grant of patents and the registration of designs, and applications therefor, and in respect of other matters with relation to patents and designs under the Act, shall be those specified in the First Schedule to these rules, hereinafter referred to as the prescribed fees:

Provided that no fees shall be payable in respect of any secret patent, and every such patent notwithstanding the non-payment of such fees shall remain in force for the full period of 16 years from its date.

(*2*) Fees may be paid in cash at the Office, or may be sent by money order or postal order or cheque payable to the Controller at Calcutta. Cheques not carrying the correct addition for commission, and other cheques on which the full value cannot be collected in cash within the time allowed for payment of the fee, shall be accepted only at the discretion of the Controller. Stamps shall not be received in payment of fees.

**6.** The forms set forth in the Second Schedule, with such variations as the circumstances of each case require, shall be used for the respective purposes therein mentioned, and if used, shall be sufficient:

Provided that the Controller may, if he thinks fit, dispense with the use of Form 4 in the case of an application for extension of time under sub-section (*2*) of section 14 of the Act.

Size, etc., of documents.

**7.** (*1*) All documents and copies of documents, except drawings, sent to or left at the Office or otherwise furnished to the Controller, shall be written, typewritten, lithographed, or printed in the English language (unless otherwise directed), in large and legible characters with deep permanent ink upon one side only of strong white paper of a size of approximately 13 inches by 8 inches, with a margin of at least one inch and a half on the left-hand part thereof. Signature thereto shall be written in a large and legible hand, and a vernacular signature shall be accompanied by a transliteration in English.

(*2*) Duplicate documents shall be filed at the Office, if at any time required by the Controller.

(*3*) Names and addresses of applicants and other persons shall be given in full, together with their nationality and such other particulars, if any, of caste or calling as are necessary for identification.

**8.** The documents specified in section 75 of the Act shall be dated and signed at the foot, and shall contain a statement that the facts and matters stated therein are true to the best of the knowledge, information and belief of the person signing them. Signature and verification of documents specified in section 75 of the Act.

**9.** For all matters falling under the provisions of section 76 of the Act, any person may, unless otherwise directed by the Controller, authorise, under his personal signature, any other person to act as his agent and to receive all notices, requisitions and communications. The authority may be given on Form 31. Agency.

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## CHAPTER II.

### Patents.

#### APPLICATIONS FOR GRANT OF PATENTS.

**10.** *(1)* If the true and first inventor or any applicant for a patent is in the service of the Crown, he shall disclose that fact in the application and shall state the office which he holds. Application.

*(2)* If the true and first inventor is not a party to an application for a patent, the applicant shall, except in the case of reciprocity applications, produce the original deed of assignment or other document from such true and first inventor, under which he is enabled to apply for a patent, unless the application itself is endorsed by the true and first inventor in the presence of two witnesses with a statement that the said inventor agrees that the application shall be made without his name as an applicant for a patent.

*(3)* If an application for a patent is made by the legal representative of a deceased inventor, the legal representative shall produce for inspection the probate of the will or the letters of administration of the estate of the inventor or a certified copy of such probate or letters, or such other evidence of his title as the Controller may require.

**11.** *(1)* Every reciprocity application shall contain a declaration that a British application has been made for protection of the invention to which such reciprocity application relates, and shall specify every part of His Majesty's dominions and every State in India in which any such British application has been made and the official date or dates thereof respectively. The application shall be made within twelve months from the date of the first British application, and shall be signed by the person by whom such first British application was made or by his legal representative or assignee or by an agent resident in British India authorised in that behalf. Reciprocity application.

*(2)* If a reciprocity application is made by an assignee of the person who made the British application the applicant shall produce the original deed of assignment or other document from such person, under which he is enabled to apply for a patent, unless the application itself is endorsed in the presence of two witnesses by the person who made the British application with a statement to the effect that the applicant is his assignee.

*(3)* If a reciprocity application is made by the legal representative of a deceased person who made the British application, the legal representative shall produce for inspection the probate of the will or the letters of administration of the estate of the deceased person or a certified copy of such probate or letters, or such other evidence of his title as the Controller may require.

*(4)* In addition to the specification left with every reciprocity application, a copy or copies of the specification or specifications, and drawings or documents filed or deposited by the applicant or his predecessor in title, as the case may be, in respect of the first British application, duly certified by the official chief or head of the Patent Office in which they were filed or deposited, or otherwise verified to the satisfaction of the Controller, shall be left at the Office at the same time as the reciprocity application or within such further time, not exceeding three months, as the Controller may allow.

*(5)* If any specification or other document relating to the application is in a foreign language, a translation thereof shall be annexed thereto and shall be verified to the satisfaction of the Controller.

*(6)* Save as aforesaid and as provided by rule 50, all proceedings in connection with a reciprocity application shall be taken within the time and in the manner required by the Act or prescribed by these rules for ordinary applications.

**12.** Applications shall, on receipt by the Controller, be numbered in the order of their receipt. Order of recording applications.

### SPECIFICATIONS.

Specification.

**13.** (*1*) The specification shall commence with the title of the invention and the name of the applicant as in the application. It shall terminate with a clear and succinct statement of the invention claimed, distinct from the body of the specification, and shall be signed and dated by the applicant or his agent.

(*2*) The specification in respect of a patent of addition shall contain a specific reference to the number of the main patent, and a definite statement that the invention comprises an improvement in, or a modification of, the invention claimed in the specification of the main patent.

(*3*) Where the invention is capable of representation by drawings, such drawings shall be prepared in accordance with rules 15 to 18 and shall be supplied with, and referred to in detail in, the specification.

(*4*) Irrelevant or other matter, not necessary, in the opinion of the Controller, for elucidation of the invention, shall be excluded from the title, description, claims and drawings.

Amendments how to be made.

(*1*) When the specification, or any drawing accompanying it, is defective and requires amendment, one copy shall be returned to the applicant or his agent and all alterations shall be made thereon as far as possible. Additional matter may be interpolated, if necessary, by rewriting such pages as are required to form a continuous document. Amendments shall not be made by slips pasted on, or as footnotes, or by writing in the margin.

(*2*) The amended documents shall be returned to the Controller together with the superseded pages or drawings, if any, duly marked, cancelled and initialled by the applicant or his agent, and with a duplicate of any pages that have been retyped or added and of any drawings that have been added or substantially amended. Amendments, alterations or additions shall be initialled in the margin by the applicant or his agent.

(*3*) No amendments, alterations or additions shall be made in a document returned for amendment, beyond those necessary to comply with the requirements of the Controller.

General.

**15.** (*1*) Drawings, when furnished, shall accompany the specification to which they refer. No drawing or sketch, such as would require the preparation for the printer of a special illustration for use in the letter-press of the specification when printed, shall appear in the specification itself.

(*2*) Drawings shall be delivered flat or so rolled as to be free from creases.

(*3*) At least one copy of the drawings shall be suitable for reproduction, and for that purpose, shall be prepared on tracing cloth or on smooth white paper which is not opaque.

Size of drawings and arrangement of figures.

**16.** (*1*) Drawings shall be on sheets which measure 13 inches from top to bottom and are either from 8 inches to 8½ inches or from 16 inches to 16½ inches wide, the narrower sheets being preferable. A clear margin shall be left half an inch from edges of the sheet.

(*2*) If there are more figures than can be shown on one of the smaller sized sheets, two or more of these sheets shall be used in preference to employing the larger size. When an exceptionally large figure is required, it shall be continued on subsequent sheets, of which any number that are required but not more than are required, may be employed. The figures shall be numbered consecutively throughout and without regard to the number of sheets. They shall be separated by a sufficient space to keep them distinct.

Drawings to be suitable for reproduction.

**17.** Drawings shall be prepared in accordance with the following requirements:—

(*a*) They shall be executed with absolutely black ink.

(*b*) Each line shall be firmly and evenly drawn, sharply defined and of the same strength throughout.

(*c*) Section lines, lines for effect, and shading lines shall be as few as possible, and shall not be closely drawn.

(*d*) Shading lines shall not contrast too much in thickness with the general lines of the drawings.

(*e*) Sections and shading shall not be represented by solid black or washes.

(*f*) They shall be on a scale sufficiently large to show the inventions clearly, and only so much of the apparatus, machine, etc., shall appear as effects this purpose. If the scale is given, it shall be drawn and not denoted by words. No dimensions shall be marked on the drawings.

(*g*) The figures shall be drawn in an upright position in regard to the top and bottom of the sheet.

(*h*) Reference letters and numerals, and index letters and numerals used in conjunction therewith, shall be bold, distinct and not less than one-eighth of an inch in height. The same letters or numerals shall be used to indicate the same parts in different views. Where the reference letters or numerals are shown outside the figures, they shall be connected by fine lines with the parts to which they refer.

**15.** (*1*) Drawings shall bear:— Drawings to bear name of applicant, etc., but no descriptive matter.

(*i*) in the left hand top corner, the name of the applicant and the words "No. of 19 ";

(*ii*) in the right hand top corner, the number of the sheets of drawings sent and the consecutive number of each sheet;

(*iii*) in the right hand bottom corner, the signature of the applicant or his agent.

(*2*) Neither the title of the invention nor any descriptive matter shall appear on drawings.

**19.** The Controller shall advertise the acceptance of every application in the *Gazette of India.*

OPPOSITION TO GRANT OR AMENDMENT, ETC.

**20.** Notice of opposition to the grant, or to the amendment, etc., of a patent shall be given in duplicate. One copy of the notice shall be sent by the Controller to the applicant or his agent. Notice of Opposition.

**21.** (*1*) Within 14 days of giving notice of opposition, the opponent shall leave at the Office a full written statement in duplicate, setting out fully the nature of the opponent's interests, the facts upon which he bases his case and the relief which he seeks. Filing of statements.

(*2*) The Controller shall furnish the applicant or his agent with one copy of the statement referred to in sub-rule (*1*), and the applicant or his agent may leave at the Office a reply in writing within a time to be specified by the Controller. Such reply shall deal in full with the statement of the opponent and shall be in duplicate.

(*3*) If the reply referred to in sub-rule (*2*) is supplied by the applicant, the Controller shall furnish the opponent or his agent with one copy thereof, and the opponent or his agent may again leave at the Office a rejoinder in writing within a time to be specified by the Controller. Such rejoinder shall be confined strictly to matters in the reply, and shall be in duplicate. One copy of the rejoinder shall be sent by the Controller to the applicant or his agent.

(*4*) The Controller may require at any time that any written statement, reply or rejoinder shall be in the form of an affidavit.

(*5*) The time allowed for filing a reply or rejoinder shall ordinarily be one month.

**22.** (*1*) On completion of these proceedings or at such other time as he may see fit, the Controller shall appoint a time for the hearing of the case, and shall give the parties not less than ten days' notice of such hearing. Hearing.

(*2*) If either party desires to be heard, he shall leave Form 7 at the Office.

(*3*) The Controller may refuse to hear any party who has not left Form 7 prior to the date of hearing.

(*4*) If either party intends to refer at the hearing to any publication other than a specification already mentioned in the proceedings, he shall give to the other party and to the Controller not less than five days' notice of his intention, together with details of each publication to which he intends to refer.

(*5*) After hearing the party or parties desirous of being heard, or if neither party desires to be heard, then without a hearing, the Controller shall decide the case and notify his decision to the parties.

SEALING.

**23.** (*1*) If an applicant desires to have a patent sealed on his application, he shall, within the period allowed by sub-section (*2*) of Section 10 of the Act, leave at the Office an application on Form 8. Sealing.

(*2*) Where for any reason a patent cannot be sealed within the period allowed, the applicant may apply to the Controller for an extension of the period not exceeding three months. An application for such an extension shall be accompanied by a fee of Rs. 10, Rs. 20, or Rs. 30 for an extension of one, two or three months, respectively.

**24.** The patent shall be in the form given in the Third Schedule to these rules, with such modifications as the circumstances of each case may require. Form of patent.

EXTENSION.

Extension of term of patent.

**25.** (*1*) A petition for the extension of the term of a patent shall set forth clearly the nature and merits of the invention in relation to the public, the profits made by the patentee as such and all the circumstances of the case.

(*2*) The Controller shall advertise every such petition in the *Gazette of India.*

(*3*) Every such advertisement shall state the object of the petition and the address within British India for service on the patentee of any document requiring service under this rule. It shall also specify that notices of objections shall be lodged on Form 6 within two months from the date of the notification.

(*4*) Every such petition shall also be advertised by the patentee, in not less than two newspapers named by the Controller, within 14 days from the date of the notification in the Gazette and in the manner described in sub-rule (*3*). Copies of the newspapers containing these advertisements shall be supplied to the Controller.

(*5*) The petitioner shall, within three weeks of filing the petition, lodge a duplicate of the petition with two copies of the balance sheet of expenditure and receipts relating to the patent in question, which accounts shall be proved on oath. He shall also, upon receiving two days' notice, give the Controller or any person deputed by him for the purpose, reasonable facilities for inspecting and taking extracts from the books of accounts, by reference to which he proposes to verify the said balance sheet or from which the materials for making up the said balance sheet have been derived.

(*6*) Any person desirous of opposing the prayer of the petition shall lodge with the Controller a notice on Form 6 accompanied by a fee of Rs. 5. Such person shall at the same time serve a copy of such notice upon the petitioner. Such notices shall be lodged and served within two months from the date of the notification of the petition in the *Gazette of India*.

(*7*) The petitioner shall, within one week of the receipt of such notice, serve a copy of his petition upon each person giving such notice.

(*8*) Every person giving such notice as aforesaid shall, within 14 days from the service of the petition upon him, serve upon the petitioner one copy and lodge with the Controller two copies of particulars of the objections upon which he intends to rely against the granting of the prayer of the petition.

(*9*) Any person who shall not, within the said 14 days, lodge and serve such particulars of objections as aforesaid shall be deemed to have abandoned his opposition.

(*10*) No person who has delivered such particulars of objections shall be entitled to oppose the granting of the prayer of the petition on any grounds not stated in such particulars.

(*11*) Any person who has delivered particulars of objections shall be entitled, at his own expense, to obtain copies of the accounts which have been lodged by the petitioner.

(*12*) The Controller may excuse petitioners and opponents from compliance with any of the requirements of sub-rules (*5*), (*7*), (*8*) and (*10*) and may give such directions in matters of procedure and practice as he shall consider to be just and expedient.

(*13*) Service of any document requiring service under this rule may be made by enclosing such document in a prepaid registered letter and posting such letter to the person required to be served at his address for service.

(*14*) On completion of these proceedings, if any, or at such other time as he may see fit, the Controller shall forward one copy of the documents left by the party or parties to the Governor-General in Council through the Secretary in the Department of Industries and Labour.

RESTORATION.

Restoration of lapsed patent.

**26.** If the Controller entertains an application under Section 16 of the Act for the restoration of a lapsed patent, he shall advertise it in the *Gazette of India.*

Opposition.

**27.** Notice of opposition to the restoration may be given within six weeks of the advertisement, and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 20, 21 and 22.

Condition on restoration.

**28.** In every order restoring a lapsed patent, it shall be provided that the continuance of the patent shall be suject to any directions given by the Controller in respect of any application by any person who availed himself of the subject matter of the patent at any time during the period from the date of the lapsing of the patent to the date of the order of restoration.

AMENDMENT OF APPLICATION OR SPECIFICATION.

**29.** A request under Section 17 of the Act for the amendment of an application, or a specification including drawings shall be accompanied by a copy of the application, specification, or drawings showing in red ink the proposed amendment in such a manner as to indicate clearly the alteration desired. **Amendment.**

**30.** If the request relates to an application for a patent which has been accepted, the request and the nature of the proposed amendment shall be advertised by notification in the *Gazette of India* and in such other manner, if any, as the Controller may in each case direct. The Controller shall also notify all persons whose names, at the time of the request, are entered on the register as claiming an interest in the patent. **Procedure when application for a patent has been accepted.**

**31.** Rules 20, 21 and 22 shall be applicable to the disposal of any opposition to the amendment, of which notice may be given in accordance with sub-section (*3*) of Section 17 of the Act. **Opposition.**

**32.** (*1*) Where leave to amend is given, the applicant shall, if the Controller so requires, and within a time to be specified by him, leave at the Office a new specification and amended drawings which shall be prepared in the manner prescribed in rules 15 to 18. **Requirements on amendment.**

(*2*) Amendments allowed by the Controller, after an application for a patent has been accepted, shall be advertised by him in the *Gazette of India*.

SURRENDER.

**33.** (*1*) If an offer is made for the surrender of a patent under Section 24 of the Act, the Controller shall advertise it in the *Gazette of India* and shall notify all persons whose names, at the time of the offer, are entered on the register as claiming an interest in the patent. **Surrender of patents.**

(*2*) Notice of opposition to the revocation of a patent offered for surrender shall be given within six weeks of the advertisement, and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 20, 21 and 22.

## CHAPTER III.

### Designs.

**34.** (*1*) For the purposes of the registration of designs and of these rules, goods shall be classified in the manner specified in the Fourth Schedule hereto. **Classification of goods.**

(*2*) If any doubt arises as to the class to which any particular description of goods belongs, it shall be determined by the Controller.

APPLICATION FOR REGISTRATION.

**35.** (*1*) An application under Section 43 of the Act for the registration of a design shall be accompanied by four copies of the design and shall be dated and signed by the applicant or his agent. **Application.**

(*2*) The application shall state the class in which the design is to be registered, and the article or articles to which the design is to be applied.

(*3*) If it is desired to register the same design in more than one class, a separate application shall be made in each class, and the application shall contain the number or numbers of the registration or registrations already effected.

(*4*) If so required by the Controller, the applicant shall state the purpose for which the article is used and the material or predominating material of which the article is made.

**36.** The applicant may, and shall, if required by the Controller in any case so to do, indorse on the application and each of the representations a brief statement of the novelty he claims for his design. **Statement of novelty.**

**37.** If the Controller in any case so requires, he shall be supplied with one or more representations or specimens of the resign in addition to those supplied with the application. **Additional copies or representations or specimens.**

**3 .** (*1*) The four copies of the design required by rule 35 shall be exactly similar drawings, photographs, tracings, or other representations of the design or shall be specimens of the design. **Representations.**

(*2*) When a design is to be applied to a set, each of the representations accompanying the application shall show all the various arrangements in which it is proposed to apply the design to the articles included in the set.

(*3*) Each representation of the design whether to be applied to a single article or to a set, shall be on paper of a size 13 by 8 inches (and not on cardboard) and shall appear on one side only of the paper. The figure or figures shall be placed in an upright position on the sheet. When more figures than one are shown, these shall, where possible, be on one and the same sheet, and each shall be designated (*e.g.*, perspective view, front view, side view).

(4) When a design is to be applied to a set, any doubt whether the given articles do or do not constitute a set shall be determined by the Controller.

(5) If the specimens are not, in the opinion of the Controller, suitable for record in the Office, they shall be replaced by representations.

(6) Where words, letters or numerals are not of the essence of the design, they shall be removed from the representations or specimens; where they are of the essence of the design, the Controller may require the insertion of a disclaimer of any right to their exclusive use.

(7) Each representation of a design which consists of a repeating surface pattern shall show the complete pattern and a sufficient portion of the repeat in length and width, and shall not be of less size than 5 by 4 inches.

(8) If the names or representations of living persons appear on a design, the Controller shall, if he so requires, be furnished with consents from such persons before proceeding to register the design. In the case of persons recently dead, the Controller may call for consents from their legal representatives before proceeding with registration of a design on which their names or representations appear.

Acceptance.

**39.** Upon receipt of an application for registration, the Controller shall consider it and may accept it if he considers that there is no objection to the design being registered.

Objections.

**40.** If on consideration of the application any objections appear to the Controller a statement of these objections shall be sent to the applicant or his agent in writing, and unless within one month the applicant or his agent removes the objection or applies for a hearing, the applicant shall be deemed to have withdrawn his application.

Decision of Controller.

**41.** The decision of the Controller at such hearing as aforesaid shall be communicated in writing to the applicant or his agent who may within one month apply to the Controller requiring him to state in writing the grounds of his decision and the materials used by him in arriving at the same.

Date for appeal.

**42.** Upon receipt of such application, the Controller shall send to the applicant or his agent such statement as aforesaid in writing, and the date when such statement is sent shall be deemed to be the date of the Controller's decision for the purpose of appeal.

Non-completion within six months.

**43.** An application which, owing to any neglect or default of an applicant, has not been completed so as to enable registration to be effected within six months of the date of application, shall be deemed to be abandoned.

EXTENSION OF PERIOD.

Extension of period of copyright in registered design.

**44.** An application under sub-sections (2) and (3) of Section 47 of the Act for the extension of the period of copyright in a registered design, may be made at any time not less than one month before the expiry of the copyright.

MARKING OF ARTICLES.

Marking of articles before delivery on sale.

**45.** Before delivery on sale of any articles to which a registered design has been applied, the proprietor of such design shall cause each such article to be marked with the word REGISTERED, or with the abbreviation REGD., or with the abbreviation RD., as he may choose, and also (except in the case of articles to which have been applied designs registered in classes 9, 13, 14 and 15) with the number appearing on the certificate of registration:

Provided that the requirements of this rule and of clause (b) of sub-section (1) of Section 48 of the Act shall be dispensed with as regards printed cotton piece-goods except handkerchiefs.

INSPECTION AND SEARCHES.

Inspection of designs.

**46.** Registered designs shall not, except as provided in Section 50 of the Act, be open to inspection until two years after the date of application for registration.

Search under Section 51.

**47.** (1) If any person desires to obtain the information which he is entitled to obtain under Section 51 of the Act, and can furnish the registration number of the design, he shall lodge with the Controller Form 20, and the Controller shall thereupon furnish him with the information aforesaid.

(2) If the applicant is unable to furnish the registration number of the design: he shall lodge with the controller Form 21 together with such information as is in his possession, and the Controller shall thereupon cause such search to be made in the class indicated as may be possible on the information supplied, and shall furnish such information as may be obtainable. Where Form 21 is accompanied by a representation or specimen of the design, such representation or specimen shall be furnished in duplicate.

CANCELLATION.

Cancellation of registration of designs under Section 51-A.

**48.** (1) An application to the Controller for the cancellation of the registration of a design shall be made in duplicate, and shall be accompanied by a statement in duplicate setting out the nature of the applicant's interest and the facts upon which he bases his application.

(2) If the application for the cancellation of the registration of a design is made by a person who is not the registered proprietor, a copy of the application along with the statement shall be transmitted by the Controller to the registered proprietor.

(3) If the registered proprietor intends to oppose the application, he shall, within 14 days of his receiving the application or within such further time as the Controller may allow, leave at the Office a counter-statement setting out the grounds on which he intends to oppose the application, and shall, within the same time, deliver to the applicant a copy of the counter-statement.

(4) Within 14 days of his receiving the counter-statement or within such further time as the Controller may allow, the applicant may leave a rejoinder at the Office; and if any such rejoinder is left, he shall, within the same time, deliver a copy of it to the registered proprietor.

(5) At any time after the completion of the pleadings hereinbefore described, the Controller shall appoint a date for the hearing of the application and shall give the parties not less than 10 days' notice of such date.

(6) The Controller may require or may allow the production of oral evidence in amplification or in confirmation of the pleadings, and he may require the attendance of the applicant or the registered proprietor or any other person whose evidence he may consider desirable.

(7) If either the applicant or the registered proprietor desires to be heard either in person or by his representative, he shall intimate this fact by leaving Form 7 duly filled in at the Office, and the Controller may refuse to hear any person who has not left Form 7 or whose name has not been entered in the Form.

## CHAPTER IV.

### General.

#### REGISTER OF PATENTS AND DESIGNS.

*Entry of grant.* Upon the sealing of a patent, the Controller shall cause to be entered in the Register of Patents the name, address and nationality of the patentee as the grantee thereof, the title of the invention, the date of the patent, and the date of the grant thereof, together with the address for service.

*Entry in respect of reciprocity application.* **50.** The patent granted on any reciprocity application shall be entered in the register as dated of the official date of the first British application in respect of which the reciprocity application was made, and the payment of renewal fees and the expiration of the patent shall be reckoned as from that date. The date of the reciprocity application shall also be entered in the register.

*Entry of renewal fee.* **51.** Upon payment of the fee prescribed for the continuance of a patent, the Controller shall cause to be entered in the Register of Patents a record of the date of payment of such fee.

*Registering designs.* **52.** When a design is accepted, there shall be entered in the Register of Designs, in addition to the particulars required by the Act, the number of the design, the class in which it is registered, the date of filing the application for registration in this country, the reciprocity date, if any, claimed for the registration, and such other matters as would affect the validity or proprietorship of the design.

*Alteration of address.* **53.** If a patentee or a proprietor of a registered design sends to the Controller notice in respect of an alteration in his name, or address, or addresses for service, the Controller shall cause the register to be altered accordingly.

*Application for entry of subsequent proprietorship.* **54.** Where a person becomes entitled, by assignment, transmission, or other operation of law, to a patent, or to a copyright in a registered design, or to any interest therein, as mortgagee or licensee, application shall be made to the Controller for the entry in the register, of his name as proprietor or part proprietor of the patent, or design, or of a notice of such interest, as the case may be.

*Particulars in applications.* **55.** An application under rule 54 shall contain the name, address and nationality of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims.

*Production of documents of title and other proof.* **56.** Every assignment, and every other document containing, giving effect to or being evidence of the transmission of a patent or of copyright in a registered design or affecting the proprietorship thereof as claimed by such application, shall, unless the Controller otherwise directs, be presented to him together with the application, and he may call for such other proof of title or written consent as he may require for his satisfaction:

Provided that in the case of a document which is a public document, an official or certified copy thereof may be presented.

Form of entry.

**57.** The entry to be made in the registers on a request under rule 54 shall be in the following form:—

"In pursuance of an application received on the ______________________, ______________________ registered as $\frac{\text{proprietors}}{\text{licensees}}$ / mortgagees / etc. by virtue of $\frac{\text{assignment}}{\text{license}}$ / mortgage deed / etc. dated ______________ and made between ______________ of the one part and ______________ of the other part."

Entry of notification of documents.

**58.** An application for entry in the registers of notification of any document (not already provided for), purporting to affect the proprietorship of a patent, or of a registered design, shall be accompanied by an attested copy of the document, the accuracy of such copy being certified as the Controller may direct, and the original document shall at the same time be produced and left at the Office if required for further verification.

Hours of inspection of registers.

**59.** The Registers of Patents and Designs shall be open to the inspection of the public at all times on which the Office is open to the public, except at times when they are required for actual official use.

Rectification of registers.

**60.** If an application is made for the rectification of the Register of Patents or Designs under Section 64 of the Act, the Controller shall notify all persons whose names, at the time of the application, are entered on the register as claiming an interest in the patent or design, and shall advertise the application in the *Gazette of India.*

Opposition to rectification.

**61.** Notice of opposition to any rectification of the Register of Patents or the Register of Designs may be given within six weeks of the advertisement of the application for rectification and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 20, 21 and 22.

Appeals to the Governor-General in Council.

**62.** (*1*) An appeal to the Governor-General in Council under any provision of the Act from a decision of the Controller shall be lodged with the Controller in duplicate and shall state fully the reasons for appealing.

(*2*) The Controller shall forward one copy of the appeal to the Governor-General in Council through the Secretary in the Department of Industries and Labour, who shall notify the appellant of its receipt.

(*3*) In appeals under Sections 9, 10 (*1A*), 16 and 17 of the Act, the Governor-General in Council may either dismiss the appeal summarily or call upon the appellant or his agent to serve a copy of the appeal on the respondent or his agent.

(*4*) When so required by the Governor-General in Council, the appellant or his agent shall forthwith furnish the respondent or his agent with a copy of the appeal and intimate to the Controller the date of supply of the copy.

(*5*) If a copy of the appeal is supplied to the respondent or his agent, the respondent or his agent may leave at the Office a reply in writing within one month of the date of receipt of a copy of the appeal. Every such reply shall deal in full with the statement of the appeal, and shall be in triplicate.

(*6*) If a reply is supplied under sub-rule (*5*), the Controller shall furnish the appellant or his agent with one copy thereof and forward one copy to the Governor-General in Council.

(*7*) After considering the appeal and the reply, if any, the Governor-General in Council may either allow the appeal or call upon the appellant or his agent to furnish a rejoinder and, if so called upon, the appellant or his agent shall leave at the Office a rejoinder in writing within one month of the date of such requisition. The rejoinder shall be confined strictly to matters in reply and shall be in triplicate. One copy of the rejoinder shall be sent by the Controller to the respondent or his agent and one copy to the Governor-General in Council.

(*8*) On completion of these proceedings, if any, or at such other time as he may see fit, the Governor-General in Council shall consider the appeal together with the reply and the rejoinder, if any, and decide the case. The decision of the Governor-General in Council shall be communicated to the Controller and to the parties or their agents by the Secretary in the Department of Industries and Labour.

CERTIFICATES.

Certified copies of documents.

**63.** Certified copies of any entry in the registers or certified copies of, or extracts from patents, specifications, disclaimers, affidavits, declarations and other public documents in the Office, or of or from registers and other books kept there, shall be furnished by the Controller on payment of the prescribed fee.

MISCELLANEOUS POWERS OF THE CONTROLLER.

**64.** The time within which a person entitled under Section 67 of the Act to an opportunity of being heard shall exercise his option of requiring to be heard shall be one month from the date of a notice which the Controller shall give to such person or his agent before determining the matter with reference to which such person is entitled to be heard. If within that month such person or his agent requires to be heard, the Controller shall appoint a date for the hearing and shall give ten days' notice thereof: **Exercise of discretionary power of Controller.**

Provided that if the giving of ten days' notice would cause an application for a patent or for the registration of a design to become void before the hearing the Controller may curtail the period of notice.

**65.** Whether an applicant or agent desires to be heard or not, the Controller may at any time require him to submit a statement in writing within a time to be notified by the Controller, or to attend before him and make explanations with respect to such matters as the Controller may require. **Controller may require statement.**

**66.** Any document for the amending of which no special provision is made by the Act may be amended, and any irregularity in procedure which, in the opinion of the Controller, may be obviated without detriment to the interests of any person, may be corrected if the Controller thinks fit, and upon such terms as he may direct. **General powers of amendment.**

**67.** The time prescribed by these rules for doing any act or taking any proceeding thereunder may be enlarged by the Controller, if he thinks fit, and upon such terms as he may direct. **General power to enlarge time.**

REPEAL.

**68.** (*1*) The Indian Patents and Designs Rules, 1912, are hereby superseded, provided that any application or other matter pending under those rules on the date of the coming into force of these rules shall be disposed of under those rules. **Repeal.**

(*2*) The notifications of the Government of India in the Department of Industries and Labour No. A197, dated the 17th July, 1930, and the 4th November, 1932, are hereby superseded.

## THE FIRST SCHEDULE.

(*Vide* Section 57.)

***Fees.***

| Number of entry. | On what payable. | Number of form. | Proper fee. |
|---|---|---|---|
| | | | Rs. A. P. |
| 1 | On application for a patent under Section 3, 15A, or 78A. .. | 1, 1A, 1B, 1C, 1AC, 1BC, 1CC, 2, 2A, 2C, 2AC. | 10 0 0 |
| 2 | On application for extension of time for filing documents under Rule 11. | 4 | .. |
| | One month .. .. .. .. | .. | 10 0 0 |
| | Two months .. .. .. .. | .. | 20 0 0 |
| | Three months .. .. .. .. | .. | 30 0 0 |
| 3 | On application for extension of time to accept application under Section 5 (*4*). | 4 | 20 0 0 |
| 4 | On notice of opposition under Section 9 (*1*) .. .. | 6 | 5 0 0 |
| 5 | On notice of intention to attend hearing under Section 9 (*2*). By applicant and opponent respectively. | 7 | 10 0 0 |
| 6 | On request for sealing under Section 10 (*1*) .. .. | 8 | 30 0 0 |
| 7 | On notice of intention to attend hearing under Section 10 (*1A*) by each party. | 7 | 10 0 0 |
| 8 | On application for extension of time under Section 10 (*2*) (*d*) .. | 4 | .. |
| | One month .. .. .. .. | .. | 10 0 0 |
| | Two months .. .. .. .. | .. | 20 0 0 |
| | Three months .. .. .. .. | .. | 30 0 0 |

| Number of entry. | On what payable. | Number of form. | Proper fee. |
|---|---|---|---|
| | | | Rs. A. P. |
| 9 | For renewal under Section 14— | | |
| | *(a) In respect of patents the application for which was made before the 1st July 1930.* | | |
| | Before expiration of 4th year in respect of the 5th year .. | .. | 50 0 0 |
| | Before expiration of 5th year in respect of the 6th year .. | .. | 50 0 0 |
| | Before expiration of 6th year in respect of the 7th year .. | .. | 50 0 0 |
| | Before expiration of 7th year in respect of the 8th year .. | .. | 50 0 0 |
| | Before expiration of 8th year in respect of the 9th year .. | .. | 50 0 0 |
| | Before expiration of 9th year in respect of the 10th year .. | .. | 100 0 0 |
| | Before expiration of 10th year in respect of the 11th year .. | .. | 100 0 0 |
| | Before expiration of 11th year in respect of the 12th year .. | .. | 100 0 0 |
| | Before expiration of 12th year in respect of the 13th year .. | .. | 100 0 0 |
| | Before expiration of 13th year in respect of the 14th year .. | .. | 100 0 0 |
| | Before expiration of 14th year in respect of the 15th year .. | .. | 150 0 0 |
| | Before expiration of 15th year in respect of the 16th year .. | .. | 150 0 0 |
| | *(b) In respect of patents the application for which was made on or after the 1st July 1930.* | | |
| | Before expiration of 4th year in respect of the 5th year .. | .. | 50 0 0 |
| | Before expiration of 5th year in respect of the 6th year .. | .. | 50 0 0 |
| | Before expiration of 6th year in respect of the 7th year .. | .. | 50 0 0 |
| | Before expiration of 7th year in respect of the 8th year .. | .. | 50 0 0 |
| | Before expiration of 8th year in respect of the 9th year .. | .. | 100 0 0 |
| | Before expiration of 9th year in respect of the 10th year .. | .. | 100 0 0 |
| | Before expiration of 10th year in respect of the 11th year .. | .. | 100 0 0 |
| | Before expiration of 11th year in respect of the 12th year .. | .. | 100 0 0 |
| | Before expiration of 12th year in respect of the 13th year .. | .. | 150 0 0 |
| | Before expiration of 13th year in respect of the 14th year .. | .. | 150 0 0 |
| | Before expiration of 14th year in respect of the 15th year .. | .. | 150 0 0 |
| | Before expiration of 15th year in respect of the 16th year .. | .. | 150 0 0 |
| | *Note.—The fees for two or more years may be paid in advance.* | | |
| 10 | On application for extension of time for payment of renewal fees under Section 14 (2). | 4 | |
| | One month .. .. .. .. .. | .. | 10 0 0 |
| | Two months .. .. .. .. | .. | 20 0 0 |
| | Three months .. .. .. .. | .. | 30 0 0 |
| 11 | On petition for extension of term of patent under Section 15 .. | 9 | 50 0 0 |
| 12 | On notice of opposition to extension of term of patent under Section 15 (2). | 6 | 5 0 0 |
| 13 | On certificate of renewal in respect of each year, on patents extended or a new patent granted under Section 15. | .. | 150 0 0 |
| 14 | On application for restoration of lapsed patents under Section 16 | 10 | 100 0 0 |
| 15 | On notice of opposition to restoration under Section 16 .. | 6 | 5 0 0 |
| 16 | On notice of intention to attend hearing under Section 16. By applicant and opponent respectively. | 7 | 10 0 0 |
| 17 | On application to amend under Section 17 .. .. | 11 | .. |
| | Before acceptance .. .. .. .. | .. | 10 0 0 |
| | After acceptance .. .. .. .. | .. | 20 0 0 |

| Number of entry. | On what payable. | Number of form. | Proper fee. |
|---|---|---|---|
| | | | Rs. A. P. |
| 18 | On notice of opposition to amendment under Section 17 (3) .. | 6 | 5 0 0 |
| 19 | On notice of intention to attend hearing under Section 17 (4). By applicant and opponent respectively. | 7 | 10 0 0 |
| 20 | On petition for compulsory license or revocation under Sections 22 and 23. | .. | 10 0 0 |
| 21 | On offer to surrender a patent under Section 24 .. .. | 12 | 10 0 0 |
| 22 | On notice of opposition to the surrender of a patent under Rule 33. | 6 | 5 0 0 |
| 23 | On notice of intention to attend hearing under Section 24. By applicant and opponent respectively. | 7 | 10 0 0 |
| 24 | For duplicate of a patent under Section 39 .. | 13 | 10 0 0 |
| 25 | On notice to Controller of intended exhibition of an invention or design under Section 40 or 52. | 14 | 5 0 0 |
| 26 | On request to register design under Section 43 or 78A .. | 15, 16 | .. |
| | In Classes—1 to 12 .. .. .. .. | .. | 3 0 0 |
| | In Classes—13 to 15 .. .. .. | .. | 0 8 0 |
| 27 | On request to register design under Section 43 to be applied to a set in a Class. | 17 | 3 0 0 |
| 28 | On request for written decision under Rule 41 .. .. | 18 | 5 0 0 |
| 29 | On request to extend copyright under Section 47 .. .. *Note.—This fee may be paid in advance.* | 19 | 10 0 0 |
| 30 | On request to inspect under Section 50 .. .. .. | .. | 1 0 0 |
| 31 | On request for information under Section 51 when registration number is supplied. | 20 | 2 0 0 |
| 32 | On request for information under Section 51 when registration number is not supplied. | 21 | 10 0 0 |
| 33 | On request for inspection of the register under Section 59 .. | .. | 1 0 0 |
| 34 | On request for certificate under Section 59 .. .. | 29 | 5 0 0 |
| | An additional fee of 1 anna for every 100 words or part thereof will be charged for preparing copies of specifications, etc. Drawings will be charged according to agreement. | | |
| 35 | For office copies of drawings .. .. .. | .. | (Cost according to agreement.) |
| 36 | For certifying office copies, MSS or printed each .. .. | .. | 2 0 0 |
| 37 | For office copy of design .. .. .. .. | .. | (Cost according to agreement). |
| 38 | On request to correct under Section 62 .. .. | 28 | 5 0 0 |
| 39 | On application to the Controller for cancellation of registration of design under Section 51A. | 22 | 5 0 0 |
| 40 | On notice of intention to attend hearing under rule 48 .. | 7 | 10 0 0 |
| 41 | On application under Section 63 for entry of name of subsequent proprietor in the Register of Patents or of Designs, if made within six months from date of acquisition of proprietorship or of the coming into force of these rules :— | 25 | .. |
| | In respect of one patent or design .. .. .. | .. | 5 0 0 |
| | For each additional patent or design .. .. | .. | 2 0 0 |
| 42 | On application under Section 63 for entry of name of subsequent proprietor in the Register of Patents or of Designs, if made after expiration of six months from date of acquisition of proprietorship and the coming into force of these Rules :— | 25 | .. |
| | In respect of one patent or design .. .. | .. | 20 0 0 |
| | For each additional patent or design .. .. | .. | 2 0 0 |

| Number of entry. | On what payable. | Number of form. | Proper fee. |
|---|---|---|---|
| | | | Rs. A. P. |
| 43 | On application under Section 63 for entry of notice of a mortgage or license in the Register of Patents or of Designs, if made within six months from date of acquisition of interest or the coming into force of these Rules :— | 26 | .. |
| | In respect of one patent or design .. .. .. | .. | 5 0 0 |
| | For each additional patent or design .. .. | .. | 2 0 0 |
| 44 | On application under Section 63 for entry of notice of a mortgage or license in the Register of Patents or of Designs, if made after expiration of six months from date of acquisition of interest and the coming into force of these Rules :— | 26 | .. |
| | In respect of one patent or design .. .. | .. | 20 0 0 |
| | For each additional patent or design .. .. | .. | 2 0 0 |
| 45 | On application under Section 63 for entry of notification of a document in the Register of Patents or of Designs if made within six months from date of documents, the grant of the patent, the registration of the design, or the coming into force of these Rules :— | 27 | .. |
| | In respect of one patent or design .. .. .. | .. | 5 0 0 |
| | For each additional patent or design .. .. | .. | 2 0 0 |
| 46 | On application under Section 63 for entry of notification of a document in the Register of Patents or of Designs, if made after expiration of six months from date of document, the grant of the patent, the registration of the designs, and the coming into force of these Rules :— | 27 | .. |
| | In respect of one patent or design .. .. .. | .. | 20 0 0 |
| | For each additional patent or design .. .. | .. | 2 0 0 |
| 47 | On request to alter name, address or address for service in Register under Section 62. | 23 | 1 0 0 |
| 48 | For entry of two addresses for service in Register under Section 20 or 46. | 24 | 2 0 0 |
| 49 | On application for rectification of Register under Section 64 .. | 30 | 10 0 0 |
| 50 | On notice of opposition to the rectification of the Register under Rule 61. | 6 | 5 0 0 |
| 51 | On notice of intention to attend hearing under Rule 64. By applicant and opponent respectively. | 7 | 10 0 0 |
| 52 | On appeal from the Controller to the Governor-General in Council under Sections 5, 9, 10 (*1A*), 16, 17, 43 or 69. | 5 | 30 0 0 |

## THE SECOND SCHEDULE.

### FORMS.

*List of Forms.*

| Form No. | Section of the Act. | Title. |
|---|---|---|
| 1 | 3 | Application for patent when inventor is a sole or joint applicant. |
| 1A | 3 | Application for patent by assignee or legal representative of inventor. |
| 1B | 3 | Application for patent for invention "communicated" from abroad. |
| 1C | 15A | Application for patent of addition when inventor is a sole or joint applicant. |
| 1AC | 15A | Application for patent of addition by assignee or legal representative of inventor. |
| 1BC | 15A | Application for patent of addition for invention "communicated" from abroad. |
| 1CC | 15A | Application for second or subsequent patent of addition. |
| 2 | 78A | Application for patent under reciprocal arrangement, by "British" applicant. |
| 2A | 78A | Application for patent under reciprocal arrangement, by assignee or legal representative of "British" applicant. |

| Form No. | Section of the Act. | Title. |
|---|---|---|
| 2C | 15A, 78A | Application for patent of addition under reciprocal arrangement, by "British" applicant. |
| 2AC | 15A, 78A | Application for patent of addition under reciprocal arrangement, by assignee or legal representative of "British" applicant. |
| 3 | 4 | Specification. |
| 4 | 5 (4), 10 (2), 14 (2), (Rule 11). | Application for extension of time. |
| 5 | 5, 9, 10 (1A), 16, 17, 43, 69. | Appeal. |
| 6 | 9 (1), 15, 16, 17, (Rules 25, 33 or 61). | Notice of opposition. |
| 7 | 9 (2), 10 (1A), 16, 17, 24, 51A, (Rule 48 or 64.) | Notice of intention to attend hearing. |
| 8 | 10 | Request for sealing. |
| 9 | 15 | Petition for extension of patent. |
| 10 | 16 | Application for restoration of patent. |
| 11 | 17 | Application to amend. |
| 12 | 24 | Offer to surrender patent. |
| 13 | 39 | Application for duplicate patent. |
| 14 | 40, 52 | Notice of intended exhibition. |
| 15 | 43 | Application for registration of design. |
| 16 | 78A | Application for registration of design under reciprocal arrangements. |
| 17 | 43 | Application for registration of design applicable to a set. |
| 18 | (Rule 41) | Request for grounds of decision. |
| 19 | 47 | Application for extension of copyright. |
| 20 | 51 | Request for information when registration number is furnished. |
| 21 | 51 | Request for information when registration number is not furnished. |
| 22 | 51A | Application to the Controller to cancel registration of design. |
| 23 | 62 | Request to alter name or address or address for service in Register. |
| 24 | 20, 46 | Request for entry of two addresses in Register. |
| 25 | 63 | Application for entry in Register. |
| 26 | 63 | Application for entry in Register. |
| 27 | 20, 63 (Rule 58). | Application for entry of notification of documents in Register. |
| 28 | 62 | Request for correction. |
| 29 | 59 (Rule 63). | Request for certificate. |
| 30 | 64 | Application for rectification of Register. |
| 31 | 76 | Power of authority to agent. |

FORM 1. FEE R 10.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for patent when the true and first inventor is sole or joint applicant. Section 3.**

*To be accompanied by the specification on Form 3 in duplicate.*

I (or we)[1] ________________________________________________

________________________________________________

________________________________________________

________________________________________________

[1] Insert (in full) name, address and nationality of applicant or applicants

hereby declare :—

[3]Insert title of invention.

(I) that I am (or we are) in possession of an invention for[3]———————————

———————————

———————————

[3]State who is the inventor.

(II) that I (or we) (or the said [3] ——————) claim to be the true and first inventor thereof;

(III) that the invention is not in use in British India by any other person;

(IV) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(V) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention.

Dated this———day of———19 .

[4]To be signed by applicant or applicants.

(Signed)[4]———————

To

The CONTROLLER of PATENTS and DESIGNS,
1, Council House Street, Calcutta.

FEE Rs. 10. FORM 1A.

## INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for patent when the true and first inventor is NOT a party to the application. Section 3.**

*To be accompanied by the specification on Form 3 in duplicate.*

[1]Insert (in full) name, address and nationality of applicant or applicants.

I (or we)[1]———————————

———————————

———————————

———————————

hereby declare :—

[2]Insert title of invention.

(I) that I am (or we are) in possession of an invention for[2]———————————

———————————

———————————

[3]Insert name.
[4]Insert (in full) name, address and nationality of inventor.

(II) that I (or we) (or the said[3]——————) claim to be the assign of (or the legal representative of)[4]———————————

———————————

——————who claim(s) and is (are) believed to be the true and first inventor(s) thereof;

(III) that the invention is not in use in British India by any other person;

(IV) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(V) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention.

Dated this———day of———19 .

[5]To be signed by applicant or applicants.

(Signed)[5]———————.

To

The CONTROLLER of PATENTS and DESIGNS,
1, Council House Street, Calcutta.

ENDORSEMENT BY INVENTOR [*see Rule 10 (2)*].

[1]Insert (in full) name, a dress and nationality.

I (or we)[1]———————————

———————————

referred to above of this document as claiming to be the true and first inventor(s) agree that the said application shall be made without my (or our) name(s) as (an) applicant(s) for a patent.

Dated this———day of———19 .

(Signed)———————

Signature of two witnesses.

———————

———————

FORM 1B. FEE R. 10.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for Patent for Invention communicated from abroad. Section 3.**

*To be accompanied by the specification on Form 3 in duplicate.*

I (or we)[1] ———————————————————————— [1]Insert (in full) name, address and nationality of applicant or applicants.

hereby declare :—

(I) that I am (or we are) in possession of an invention for[2] ———————— [2]Insert title of invention.

which invention has been communicated to me (or us) by[3] ———————— [3]Insert (in full) name, address and nationality of communicator or communicators.

(II) that I (or we) claim to be the true and first inventor(s) thereof ;

(III) that the invention is not in use in British India by any other person ;

(IV) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ;

(V) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention.

Dated this——day of————19 .

(Signed)[4]———————— [4]To be signed by applicant or applicants.

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

FORM 1C. FEE Rs. 10.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for patent of addition, when the true and first inventor is sole or joint applicant. Section 15A.**

*To be accompanied by the specification on Form 3 in duplicate.*

I (or we)[1] ———————————————————————— [1]Insert (in full) name, address and nationality of applicant or applicants.

hereby declare :—

(I) that I am (or we are) in possession of an invention for[2] ———————— [2]Insert title of invention.

(II) that[3] ———————— claim to be the true and first inventor(s) thereof ; [3]State who is or are the inventor or inventors.

(III) that the invention is not in use in British India by any other person ;

(IV) that the said invention is an improvement in or modification of my (or our) invention for which a patent was applied for on the ————, and numbered————, [for which I was/we were the applicant(s)] [of which I am/we are the patentee(s)] ;

(V) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ;

(VI) that the facts and matters stated herein are true to be best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention, and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

Dated this——day of————19 .

(Signed)[4]———————— [4]To be signed by applicant or applicants.

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

FEE Rs. 10. FORM 1AC.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for patent of addition when the true and first inventor is not a party to the application. Section 15A.**

*To be accompanied by the specification on Form 3 in duplicate.*

[1]Insert (in full) name, address and nationality of applicant or applicants.

I (or we)[1]————————————————

hereby declare :—

[2]Insert title of invention.

(I) that I am (or we are) in possession of an invention for[2]————————

[3]Insert name.
[4]State who is or are the inventor or inventors.

(II) that I (or we) (or the said[3]————————) claim to be the assign of (or the legal representative of)[4]————————

who claim(s) and is (are) believed to be the true and first inventor(s) thereof ;

(III) that the invention is not in use in British India by any other person ;

(IV) that the said invention is an improvement in or modification of the invention for which a patent was applied for on the————and numbered————[for which————was/were the applicant(s)] [of which————is/are the patentee(s)] ;

(V) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ;

(VI) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention, and request that the term limited in such further patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired.

Dated this————day of————19 .

[5]To be signed by applicant or applicants.

(Signed)[5]————————

To

The CONTROLLER of PATENTS and DESIGNS,
1, Council House Street, Calcutta.

ENDORSEMENT BY INVENTOR [*see Rule 10* (2)].

[1]Insert (in full) name, address and nationality.

I (or we)[1]————————————————

referred to above of this document as claiming to be the true and first inventor(s) agree that the said application shall be made without my (our) name(s) as (an) applicant(s) for a patent.

Dated this————day of————19 .

(Signed)————————

Signature of two witnesses.

FEE Rs. 10. FORM 1BC.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for patent of addition for invention communicated from abroad. Section 15A.**

*To be accompanied by the specification on Form 3 in duplicate.*

[1]Insert (in full) name, address and nationality of applicant or applicants.

I (or we)[1]————————————————

hereby declare :—

[2]Insert title of invention.

(I) that I am (or we are) in possession of an invention for[2]————————

[3]Insert (in full) name, address and nationality of communicator or communicators.

which invention has been communicated to me (or us) by[3]————————

(II) that I (or we) claim to be the true and first inventor(s) thereof ;

(III) that the invention is not in use in British India by any other person ;

(IV) that the said invention is an improvement in or modification of my (or our) invention for which a patent was applied for on the————and numbered————, [for which I was/we were the applicant(s)] [of which I am/we were the patentee (s)] ;

(V) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to whicth his application relates;

(VI) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

Dated this——————day of——————19 .

(Signed)[4]—————— [4]To be signed by applicant or applicants.

To

The CONTROLLER of PATENTS and DESIGNS,
1, Council House Street, Calcutta.

FORM 1CC. FEE Rs. 10.

## INDIAN PATENTS AND DESIGNS ACT, 1911.

### Application for second or subsequent patent of addition. Section 15A.

*To be accompanied by the specification on Form 3 in duplicate.*

I (or we)[1]—————————————————— [1]Insert (in full) name, address and nationality of applicant or applicants.

hereby declare;—

(I) that I am (or we are) in possession of an invention for[2]—————————————————— [2]Insert title of invention.

(II) that[3]—————————————————— [3]State who is or are the inventor or inventors.
claim to be the true and first inventor(s) thereof;

(III) that the invention is not in use in British India by any other person;

(IV) that the said invention is an improvement in or modification of my (or our) invention, for which a patent (hereinafter called the original patent) was applied for on the——————and numbered——————, [for which I was/we were the applicant(s)] [of which I am/we are the patentee(s)], as improved upon or modified by my (or our) invention for which a patent of addition was applied for on the——————and numbered—————— [for which patent of addition I was/we were the applicant(s)] [of which patent of addition I am/we are the patentee(s)];

(V) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(VI) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention, and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

Dated this——————day of——————19 .

(Signed)[4]—————— [4]To be signed by applicant or applicants.

To

The CONTROLLER of PATENTS and DESIGNS,
1, Council House Street, Calcutta.

FORM 2. FEE Rs. 10.

## INDIAN PATENTS AND DESIGNS ACT, 1911.

### Application for patent under reciprocal arrangements with the United Kingdom or other parts of His Majesty's Dominions or with States in India. Section 78A.

*To be accompanied by the specification on Form 3 in duplicate.*

I (or we)[1]—————————————————— [1]Insert (in full) name, address and nationality of applicant or applicants.

hereby declare :—

(I) that I (or we) have made applicant(s) for the protection of an invention for[2]—————————————————— [2]Insert title of invention.

in the United Kingdom, the following other parts of His Majesty's Dominions and the following States in India and on the following official date(s)[3]—————————————————— [3]Insert the name United Kingdom and the names of other parts of His Majesty's Dominions and the States in India, followed by the official date of the application in each respectively.

—————— —————— ——————;

(II) that the invention was not in use in British India by any other person before the[4] ———;

(III) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(IV) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention in priority to other applicants and that such patent shall have the date[5] ———

[4] Insert the official date of the earliest "British" application. See Rule 2 (b).
[5] Insert the official date of the earliest "British" application. See Rule 2 (b).

Dated this——day of——19

(Signed)[6]——

[6] To be signed by applicant or applicants.

To

The CONTROLLER of PATENTS and DESIGNS,
1, Council House Street, Calcutta.

FEE Rs. 10.

FORM 2A

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for patent by legal representatives or assignees under reciprocal arrangements with the United Kingdom or other parts of His Majesty's Dominions or with States in India. Section 78A.**

*To be accompanied by the specification on Form 3 in duplicate.*

I (or we)[1] ———

hereby declare :—

(I) that I (or we) (or the said ———) am/are/is the legal representative(s) of[2] ——— deceased or the assignee of [2] ———;

(II) that[2] ———

has (or have) (jointly with me/us) made application(s) for the protection of an invention for[3] ———

in the United Kingdom, the following other parts of His Majesty's Dominions and the following States in India and on the following official date(s)[4] ———

(III) that the invention was not in use in British India by any other person before the[5] ———;

(IV) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(V) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention in priority to other applicants and that such patent shall have the date[6] ———.

Dated this——day of——19

(Signed)[7]——.

[1] Insert (in full) name, address and nationality of applicant or applicants.
[2] Give name, address and nationality of "British" applicant or applicants.
[3] Insert title of invention.
[4] Insert the name United Kingdom and the names of other parts of His Majesty's Dominions and the States in India, followed by the official date of the application in each respectively.
[5] Insert the official date of the earliest "British" application. See Rule 2(b).
[6] Insert the official date of the earliest "British" application. See rule 2(b).
[7] To be signed by applicant or applicants.

To

The CONTROLLER OF PATENTS and DESIGNS,

1, Council House Street, Calcutta.

ENDORSEMENT BY THE BRITISH APPLICANT [*see Rule* 11 (2)].

I or (we)[1] ——————————————— [1]Insert (in full) name, address and nationality.

referred to on the reverse of this document as claiming to be the applicant(s) in the countries specified in paragraph (II), hereby state that the applicant(s) who has/have signed his/their name(s) on the reverse of this form is my/are our assignee(s).

Dated this———day of———19 .

(Signed)———.

Signature of two witnesses.

———

———

FORM 2C. FEE Rs. 10.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for patent of addition under reciprocal arrangements with the United Kingdom or other parts of His Majesty's Dominions or with States in India. Sections 15A and 78A.**

*To be accompanied by the specification on Form 3 in duplicate.*

I (or we)[1] ——————————————— [1]Insert (in full) name, address and nationality of applicant or applicants.

hereby declare :—

(I) that I (or we) have made application(s) for the protection of an invention for[2] ——————————— [2]Insert title of invention.

in the United Kingdom, the following other parts of His Majesty's Dominions and the following States in India and on the following official date(s)[3] :— [3]Insert the name United Kingdom and the names of other parts of His Majesty's Dominions and the States in India, followed by the official date of the application in each respectively.

(II) that the invention was not in use in British India by any other person before the[4] ———; [4] Insert the official date of the earliest "British" application. See Rule 2 (*b*).

(III) that the said invention is an improvement in or modification of my (or our) invention for which a patent was applied for on the ———and numbered———(for which I was/we were the applicant) [of which I am/we are the patentee(s)];

(IV) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ;

(V) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention in priority to other applicants, and that such patent shall have the date[5]———and request that the term limited in such further patent for the duration thereof be the same as that of the original patent, or so much of that term as is unexpired. [5]Insert the official date of the earliest "British" application. See Rule 2 (*b*).

Dated this———day of———19 .

(Signed)[6]——— [6]To be signed by applicant or applicants.

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

FEE Rs. 10. FORM 2AC.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for patent of addition by legal representatives or assignees under reciprocal arrangements with the United Kingdom or other parts of His Majesty's Dominions or with States in India. Sections 15A and 78A.**

*To be accompanied by the specification on Form 3 in duplicate.*

[1] Insert (in full) name, address and nationality of applicant or applicants.

I (or we)[1] ——————

hereby declare :—

[2] Give name, address and nationality of "British" applicant or applicants.

(I) that I (we) (or the said ——— ) am/are/is the legal representative(s) of[2] ——————

deceased, or the assignee of[2] ——————

(II) that[2] ——————— has (or have) (jointly with me/us) made application(s) for the protection of an invention for[3] ——————

[3] Insert title of invention.

in the United Kingdom, the following other parts of His Majesty's Dominions and the following States in India and on the following official date(s)[4] :—

[4] Insert the name United Kingdom and the names of other parts of His Majesty's Dominions and the States in India, followed by the official date of the application in each respectively.

(III) that the said invention was not in use in British India by any other person before the [5] ——————

[5] Insert the official date of the earliest "British" application. See Rule 2 (b).

(IV) that the said invention is an improvement in or modification of my (or our) invention for which a patent was applied for on the ————— and numbered ————— [for which I was (we were) the applicant(s)] [of which I am/we are the patentee(s)];

(V) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ;

(VI) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a patent may be granted to me (or us) for the said invention in priority to other applicant(s) and that such patent shall have the date[6] ————— and request that the term limited in such further, patent for duration thereof be the same as that of the original patent, or so much of that term as is unexpired.

[6] Insert the official date of the earliest "British" application. See Rule 2 (b).

Dated this ——— day of ——— 19 .

(Signed)[7] ——————

[7] To be signed by applicant or applicants.

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

ENDORSEMENT BY THE BRITISH APPLICANT [*see Rule* 11 (2)].

[1] Insert (in full) name, address and nationality.

I or (we)[1] ——————

referred to above of this document as claiming to be the applicant(s) in the countries specified in paragraph (II), hereby state that the applicant(s) who has/have signed his/their name(s) above of this form is my/are our assignee(s).

Dated this ——— day of ——— 19 .

(Signed) ——————

Signature of two witnesses.

——————

——————

FORM 3.

INDIAN PATENTS AND DESIGNS ACT, 1911.

(To be supplied in duplicate with Form 1, 1A, 1B, 1C, 1AC, 1BC, 1CC, 2, 2A, 2C, or 2AC.)

**Specification. Section 4.**

*No fee.*

*____________________________

____________________________

* Insert title verbally agreeing with that in the application form.

†____________________________

____________________________

____________________________

† Insert (in full) name, address and nationality of applicant or applicants as in application form.

The following specification particularly describes and ascertains the nature of the invention and the manner in which the same is to be performed :—

‡____________________________

____________________________

____________________________

____________________________

____________________________

‡ Here begin full description of the invention. The continuation of the specification should be upon paper of the same size, on one side only, with a margin of 1½ inches on the left hand part of the paper. The completion of the description should be followed by the words "I (or we) claim," after which should be written the claim or claims numbered consecutively. The specification and the duplicate thereof must be signed at the end and dated thus :—Dated the— day of—19 .

*Note.*—In the preparation of the claim or claims careful attention should be paid to the terms of Rule 13 of the Indian Patents and Design s Rules, 1933. Any unnecessary multiplicity of claims or prolixity of language should be avoided.

FORM 4.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for extension of time. Sections 5, 10, 14 or Rule 11.**

FEE. See footnote.

I (or we)[1]

hereby apply for months' extension of time :—

[2] (a) Under Section 5 (4) for the acceptance of the application for a patent No.——of——;
(b) Under Section 10 (2) (d) for the sealing of a patent on application No.——of——;
(c) Under Section 14 (2) for payment of renewal fee on the patent No.——of——;
(d) Under Rule 11 for leaving copy (or copies) of the British specification (or specifications) drawings or documents in respect of application No.——of——.

The reasons for making this application are as follows :—

____________________________

My (or our) address for service in British India is :—

Dated this——day of——19 .

(Signed——

[1] Insert (in full) name, address and nationality.

[2] a, b, c, d. Strike out the words which are not applicable. Quote number and year of application or patent.

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

*Note.*—Time allowed and fees payable—
(a) Three months, Rs. 20 ;
(b), (c) or (d) One month, Rs. 10 ; two months, Rs. 20 ; three months, Rs. 30.

FEE Rs. 30. FORM 5.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Appeal to Governor General in Council under sections 5, 9, 10 (*1A*), 16, 17, 43 or 69.**

I (or we)[1] ——————

[1] Insert (in full) name and address of appellant or appellants.

hereby appeal to the Governor-General in Council from the decision (or that part of the decision)[2] of the Controller dated the[3]——day of————19—whereby he :—

[2] Strike out if not applicable.

[3] The appeal must be made within 3 months of the date of decision.

[4]
(*a*) refused to accept an application for a patent under section 5;
(*b*) required an amendment under section 5;
(*c*) allowed an opposition under section 9;
(*d*) disallowed an opposition under section 9;
(*e*) gave direction under section 10 (1*A*);
(*f*) restored a lapsed patent under section 16;
(*g*) refused to restore a lapsed patent under section 16;
(*h*) allowed an amendment under section 17;
(*i*) refused to allow an amendment under section 17;
(*j*) refused to register a design under section 43;
(*k*) refused to grant a patent or register a design under section 69.

[4] Strike out parts not applicable.

The reasons for appealing, and the full statement of the grounds upon which I (or we) rely for objecting to the decision are as follows[5] :—

[5] State fully continuing on further sheets and on one side only. The last page must be dated and signed.

My address for service in British India is :—

Dated this——day of————19 .

(Signed)——————

FEE Rs. 5. FORM 6.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Notice of opposition. Sections 9, 15, 16 or 17, or Rules 25, 33 or 61.**

(To be supplied in duplicate).

I (or we)[1]

[1] Insert (in full) name and address of applicant or applicants.

hereby give notice of my (or our) intention to oppose :—

[2]
(*a*) Under section 9, the grant of a patent on application No.[3]———;
(*b*) Under section 15, the prolongation of the term of Patent No.[3]———;
(*c*) Under section 16, the restoration of lapsed Patent No.[3]———;
(*d*) Under section 17, the amendment of application or Specification No.[3]———;
(*e*) Under Rule 25, the petition for extension of term of Patent No.[3]———;
(*f*) Under Rule 33, the surrender of patent No.[3]———;
(*g*) Under Rule 61, the rectification of the Register of ——— Patents / Designs in respect of ——— Patents / Designs No.[3]———

[2] a, b, c, d, e, f, g. Strike out when not applicable.

[3] Insert number and date.

filed by[4]
granted to
registered in the name(s) of

[4] Insert name of applicant, grantee or proprietor.

The grounds of opposition are as follows[5] :—

[5] Insert grounds and short statement of the facts of the case.

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address for service in British India is as follows :—

Dated this——day of————19 .

(Signed)[6]——————

[6] To be signed by opponent or opponents.

To

The CONTROLLER OF PATENTS and DESIGNS,

1, Council House Street, Calcutta.

FORM 7.

FEE Rs. 10.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Notice of intention to attend hearings. Sections 9, 10 (*1A*), 16, 17, 24 or 51A or Rule 48 or 64.**

I (or we)[1] ——— [1] Insert (in full) name and address.

hereby give notice that the hearing in reference to[2] ——— [2] Insert particulars.

will be attended by myself (or ourselves) or by some person on my (or our) behalf.

Dated this——day of——19 .

(Signed)——

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

*Note.*—The Controller may refuse to hear any party who has not left this notice and paid the prescribed fee before the date fixed for the hearing.

FORM 8.

FEE Rs. 30.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Request for sealing. Section 10.**

I (or we)[1] ——— [1] Insert (in full) name, address and nationality.

desire to have a patent sealed on my (or our) application No.[2]——of——and request that the following address in British India may be entered on the Register as my (or our) address for service in British India—— [2] Insert number and date.

Dated this——day of——19 .

(Signed)[3]——

[3] To be signed by applicant or applicants or his or their authorised agent.

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

*Note.*—If a patent is to be sealed so that rights may accrue under section 12 of the Act, this request, together with the fee of Rs. 30 must be received in the Patent Office before the expiration of 18 months from the date of the application or within such extended times as are allowed in section 10 (2). An extension of time not exceeding three months shall be allowed under section 10 (2) (*d*) on application being made on Form 4 accompanied by the fee of Rs. 10 for one month, Rs. 20 for two months or Rs. 30 for three months.

FEE Rs. 50. FORM 9.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Petition for extension of term of patent. Section 15.**

[1]Insert number and date of patent, name of grantee and title of invention.

In the matter of Patent No.[1]————, dated————

and granted to———— for an invention for————

————

and

In the matter of Section 15 of the Indian Patents and Designs Act, 1911.

To His Excellency the Governor-General in Council.

[2]Insert (in full) name, address and nationality of the petitioner or petitioners.

The humble petition of[2]————

————

————

————

SHEWETH AS FOLLOWS :—

[3] Insert date and number of patent, name of grantee and title of invention.

On the ————day of[3]————letters-patent numbered————were granted to————

————

for an invention for ————

*————

That the facts and matters stated herein are true to the best of your petitioner's knowledge, information and belief.

Your petitioner(s) therefore humbly prays that the said letters-patent may be extended for a further term of————years, or for such other term as the Governor-General in Council shall deem fit.

Dated this————day of————19

(Signed)————

Petitioner.

* *Note.*—(1) Here set forth (*a*) the circumstances under which the petitioner obtained rights in the patent; (*b*) the history of the art with special reference to the invention and subsequent improvement; (*c*) the special utility and advantages of the invention in relation to the public; (*d*) all information relating to foreign patents; (*e*) the rights of third parties, such as licensees, etc.; (*f*) the difficulties with which the patentee has had to contend in introducing into British India the manufacture according to his invention; (*g*) statement regarding the inadequacy of remuneration.

(2) The continuation of the petition should be upon paper of the same size, on one side only, with a margin of 1½ inches on the left hand part of the paper.

FORM 10.

FEE Rs. 100.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Restoration of Patent. Section 16.**

I (or we)[1]——————————————————————————————

——————————————————————————————

——————————————————————————————

hereby apply for an order of the Controller for the restoration of the patent No.[2]————of————

granted to ——————————————————.

The circumstances which have led to the omission to pay the fee of Rs.————on or before the[3]————

————day of————————are as follows[4] :—

——————————————————————————————

——————————————————————————————

——————————————————————————————

I (or we) declare that I (or we) have not assigned the patent to any other person and that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address for service in British India is :—

Dated this————day of————19 .

(Signed)[5]————————

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

[1] Insert (in full) name, address and nationality of applicant or applicants.

[2] Insert number and date.

[3] State last date when fee was due.

[4] The circumstances must be stated in detail.

[5] To be signed by applicant or applicants.

FORM 11.

FEE Rs. 10. before acceptance. Rs. 20 after acceptance.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Amendment. Section 17.**

I (or we)[1]——————————————————————————————

——————————————————————————————

——————————————————————————————

seek leave to amend the[2] ——————————————————————————
of application for patent No.————dated————as shown in red ink in the copy[3] hereunto annexed.

I (or we) declare that no action for infringement or for the revocation of the letters patent in question is pending before a court.[4]

My (or our) reasons for making this amendment are as follows :—

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address for service in British India is :—

Dated this————day of————19 .

(Signed)[5]————————

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

[3] *Note.*—If the specification has been printed an officially printed copy shall be used.

[1] Insert (in full) name and address of applicant or patentee.

[2] State whether application, specification or drawings.

[4] Strike out this paragraph if a patent has not been sealed.

[5] To be signed by applicant or patentee.

FORM 12.

FEE Rs. 10.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Surrender of Patent. Section 24.**

I (or we)[1]——————————————————————————————

——————————————————————————————

——————————————————————————————

hereby offer to surrender the patent No.[2]————dated————granted to————————

——————————————————————————————

I (or we) declare that no action for infringement or for the revocation of the letters patent in question is pending before a court.

My (or our) reasons for making this offer are as follows :—

——————————————————————————————

——————————————————————————————

——————————————————————————————

——————————————————————————————

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

[1] Insert (in full) name, address and nationality of applicant or applicants.

[2] Insert number and date.

My (or our) address for service in British India is :—

Dated this———day of———19 .

[3]To be signed by applicant or applicants.

(Signed)[3]———

To

The CONTROLLER of PATENTS and DESIGNS,
1, Council House Street, Calcutta.

FEE Rs. 10.

FORM 13.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for duplicate patent. Section 39.**

[1] Insert (in full) name, address and nationality.
[2] Insert name of original grantee.
[3] Insert the word "lost" or "destroyed" as the case may be, and state fully the circumstances. Also state the interest possessed by the applicant or applicants in the patent.

I (or we)[1]———

regret to have to inform you that the patent No.———, dated———

granted to[2]———has been[3]———

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) beg therefore to apply for the issue of a duplicate of such patent.

Dated this———day of———19

(Signed)———

To

The CONTROLLER of PATENTS and DESIGNS,
1, Council House Street, Calcutta.

FEE Rs. 5.

FORM 14.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Notice of intended exhibition of an unpatented invention or an unregistered design. Section 40 or 52.**

[1] Insert (in full) name and address.

I (or we)[1]———

hereby give notice of my (or our) intention to exhibit a———

of———at the———

[2] State "opened" or "is to open."
[3] Insert brief description of invention accompanied by drawings if necessary or brief description of the design with sketch, drawing or specimen.

Exhibition, which[2]———on the———day of———under the provisions of the Indian Patents and Designs Act, 1911.

I (or we) herewith enclose a brief description of my (or our)[3]———

Dated this———day of———19

(Signed)———

To

The CONTROLLER of PATENTS and DESIGNS,
1, Council House Street, Calcutta.

FORM 15.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for registation of design. Section 43.**

You are requested to register the accompanying design in Class No.[1]——————in the name of[2]——————

——————————————————————————————

——————————————————————————————

——————————————————————————————

who claim(s) to be the proprietor(s) thereof.

Four exactly similar[3]—————— of the design accompany this request.

The design is to be applied to[4]——————————————————

——————————————————————————————

——————————————————————————————

——————————————————————————————

[5]The design has been previously registered in class(es)——————under No.——————.

Address for service in British India is[6] :—

Dated this——————day of——————19 .

(Signed)——————

To

The CONTROLLER of PATENTS and DESIGNS,
1, Council House Street, Calcutta.

FEE Annas 8 or Rs. 3 according to class.

[1]Insert number of class.
[2] Insert (in full) the name, address and nationality.
[3] State whether drawings, photographs, tracings or specimens.
[4] Insert name of article or articles to which the design is to be applied.
[5] Strike out these words if no previous registration has been effected.
[6]Unless an address for service in British India is given, the request may not be considered. See Rule 4.

*Note.*—Trade or property marks are not registered under the Indian Patents and Designs Act, 1911.

FORM 16.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for registration of design under reciprocal arrangement with the United Kingdom or other parts of His Majesty's Dominions or with States in India. Section 78A.**

You are requested to register the accompanying design in Class No.[1]——————in the name of[2]——————

——————————————————————————————

——————————————————————————————

who claim(s) to be the proprietor(s) thereof.

Four exactly similar[3]——————of the design accompany this request.

The design is to be applied to[4] ——————————————————.

The design has been previously registered in class(es)——————under No.——————.

FEE Annas 8 or Rs. 3 according to class.

[1] Insert number of class.
[2] Insert (in full) name address and nationality.
[3] State whether drawings, photographs, tracings or specimens.
[4] Insert name of article or articles to which the design is to be applied.
[5] Strike out these words if no previous registration has been effected.

Application has been made for the protection of the above design in class——————under No.—————in——————[6] on the following official date(s)——————and you are requested to register the said design under section 78-A of the Act in priority to other applicants and to have the said date of the application in——————[6] as the date of registration in British India.

[6] Insert the name United Kingdom or the names of other parts of His Majesty's Dominions or the States in India.

[7] Unless an address for service in British India is given, the request may not be considered. See Rule 4.

Address for service in British India is[7] :—

Dated this————day of——————19

(Signed)——————

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

*Note.*—Trade or property marks are not registered under the Indian Patents and Designs Act, 1911.

---

FEE Rs. 3.

FORM 17.

## INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for registration of design to be applied to a set. Section 43.**

[1] Insert number of class.

[2] Insert (in full) name, address and nationality.

[3] State whether drawings, photographs, tracings or specimens.

[4] State the trade description of each of the articles comprised in the set.

[5] Strike out these words if no previous registration has been effected.

[6] Unless an address for service in British India is given, the request may not be considered. See Rule 4.

You are hereby requested to register the accompanying design for a set in Class[1]——————in the name of[2]

who claim(s) to be the proprietor(s) thereof.

Four exactly similar[3]——————of the design accompany this request.

The design is to be applied to[4]——————

[5]The design has been previously registered in Class(es)——————under No.——————.

Address for service in British India is[6] :—

Dated this————day of——————19

(Signed)——————

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

*Note.*—Trade or property marks are not registered under the Indian Patents and Designs Act, 1911.

FORM 18. FEE Rs. 5.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Request for grounds of decision. Rule 41.**

Application for design No.[1]——— Class———. [1] Insert number and class.

You are hereby requested under Rule 41 of the Indian Patents and Designs Rules, 1933, to state in writing the grounds of your decision and the materials used by you in arriving at such decision.

Address for service in British India is :—

Dated this——— day of——— 19 .

(Signed)———

To

The CONTROLLER of PATENTS and DESIGNS,
1, Council House Street, Calcutta.

FORM 19. FEE Rs. 10.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application to extend copyright. Section 47.**

You are requested by the undersigned who is/are the registered proprietor(s) of the Design No.[1]——— registered in class[2]———, to extend the period of copyright for a period of five years.

[1] Insert number of design
[2] Insert number of class.

Address for service in British India is :—

Dated this——— day of——— 19 .

(Signed)———

To

The CONTROLLER of PATENTS and DESIGNS,
1, Council House Street, Calcutta.

FORM 20. FEE Rs. 2.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Request for search under section 51 when registration number is supplied**

I hereby request that I may be given such information as I may be entitled to under section 51 of the Indian Patents and Designs Act, 1911, with respect to the design register under No.[1]———. [1] Insert number of design.

Address for service in British India is :—

Dated this——— day of——— 19 .

(Signed)———

To

The CONTROLLER of PATENTS and DESIGNS,
1, Council House Street, Calcutta.

FEE R10. FORM 21.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Request for search under Section 51 when registration number is not supplied.**

[1]Insert number of class.

I hereby request that a search may be made in Class[1]——————in respect of the design (annexed hereto in duplicate) and that I may be given such information as I may be entitled to under Section 51 of the Indian Patents and Designs Act, 1911.

Address for service in British India is :—

Dated this————day of————19 .

(Signed)————

Address————

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

FEE R5. FORM 22.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for cancellation of the registration of a design under Section 51A.**

Design No.————in Class————

[1]Insert (in full) name, address and nationality.

I (or we)[1] ————

hereby apply that the registration of design No.————in Class————may be cancelled on the grounds :—

*Strike out (1) or (2) when not applicable.

(1)* that the design has been previously registered in British India.

(2)* that it was published in British India prior to the date of registration.

Address for service in British India is :—

Dated this————day of————19 .

(Signed)————

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

FEE R1. FORM 23.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Notice of alteration of a name or an address or an address for service in the Register of Patents or of Designs. Section 62.**

In the matter of { Patent No.————of———— / Design No.————Class———— }

[1]Insert (in full) name and address.

I (or we)[1]————

hereby request that————name, address (or————address for service) now upon the Register of Patents / Designs————may be altered to[2]————

[2]Insert name or full address.

Dated this————day of————19 .

(Signed)————

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

*Note.*—This form may be used only for a request to correct a name or to alter an address upon the Registers It may not be used as a request to register any change of interest in patent or registered design.

FORM 24.

FEE R2.

INDIAN PATIENTS AND DESIGNS ACT, 1911.

**Request for entry of two addresses for service in Register of Patents/Designs. Section 20 or 46.**

In the matter of .. .. { Patent No.——of—— / Design No. ——Class—— }

I (or we)[1] —————— [1]Insert (in full) name and address.

hereby request that the two following addresses for service may be entered in the Register of Patents/Designs.

(a)[2] —————— [2]Insert full addresses.

(b)[2] ——————

Dated this——day of——19 .

(Signed)——————

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

FORM 25.

FEE. See footnote.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for entry of name of proprietor or part proprietor in Register of Patents/Designs. Section 63.**

I (or we)[1] —————— [1]Insert (in full) name, address and nationality.

hereby apply that you will enter my (or our) name (or names) in the Register of Patents/Designs as proprietor (or part proprietor) of patent No. —— of ——granted to[2] —————— [2]Give name and address of person(s) to whom patent was granted.

of which the title is[3] —————— [3]Insert title of invention.

(of the registered design No. ——Class——).

I (or we) claim to be so entitled by virtue of[4] —————— [4]Specify the particulars of such document, giving its date, and the parties to the same, and showing how the claim here made is substantiated.

[5] Insert the nature of the document.

And in proof whereof I (or we) transmit the accompanying[5]——with an attested copy thereof.

My (or our) address for service in British India is——

[6] State in what capacity the signatory is acting.

Dated this——day of——19 .

(Signed)[6] ——

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

*Note*: FEE—

(a) If document is presented for registration in the Patent Office within six months from date of acquisition of proprietorship or the coming into force of the Indian Patents and Designs Rules, 1933 :—

| | Rs. |
|---|---|
| In respect of one patent or design .. .. .. .. | 5 |
| For each additional patent or design .. .. .. .. | 2 |

(b) If document is presented for registration in the Patent Office after the above period :

| | Rs. |
|---|---|
| In respect of one patent or design .. .. .. .. | 20 |
| For each additional patent or design .. .. .. .. | 2 |

FORM 26.

FEE. See foot-note.

## INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for entry of notice of a mortgage or license in Register of Patents/Designs. Section 63.**

[1] Insert (in full) name, address and nationality.

I (or we)[1]——

hereby apply that you will enter in the Register of——Patents/Designs——a notice of the following interest in a——Patent/Design——.

[2] Insert the nature of the claim, whether by way of mortgage or license.

I (or we) claim to be entitled [2]——

[3] Give name and address of person to whom the patent was granted.

to an interest in Patent No.——of——granted to [3] ——

[4] Insert title of invention.

of which the title is[4]——

[5] Specify the particulars of such document, giving its date and the parties to the same and showing how the claim here made is substantiated.

(in the Registered Design No.——Class——) by virtue of[5]——

[6] Insert the nature of the document.

And in proof whereof I (or we) transmit the accompanying[6]——with an attested copy thereof.

My (or our) address for service in British India is :—

[7] State in what capacity the signatory is acting.

Dated this——day of——19 .

(Signed)[7]——

To

The CONTROLLER OF PATENTS and DESIGNS,

1, Council House Street, Calcutta.

*Note :* FEE—

(a) If document is presented for registration in the Patent Office within six months from date of acquisition of interest or the coming into force of the Indian Patents and Designs Rules, 1933 :—

| | Rs. |
|---|---|
| In respect of one patent or design .. .. .. .. | 5 |
| For each additional patent or design .. .. .. .. | 2 |

(b) If document is presented for registration in the Patent Office after the above period :—

| | Rs. |
|---|---|
| In respect of one patent or design .. .. .. .. | 20 |
| For each additional patent or design .. .. .. .. | 2 |

FORM 27.

INDIAN PATENTS AND DESIGNS ACT, 1911.

FEE. See foot-note.

**Application for entry of notification of document in Register of Patents/Designs. Section 20 or 63 and Rule 58.**

I (or we) transmit herewith an attested copy of[1]——— under the Patent/Designs———No.———of———, as well as the original document for verification, and I (or we) apply that a notification thereof may be entered in the Register.

[1]Insert a description of the nature of the document, giving its date and the names, addresses and nationality of the parties thereto.

Dated this———day of———19 .

(Signed)———

[2]———

[2]Insert full address of party benefiting under the document.

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

*Note :* FEE—

(a) If document is presented for registration in the Patent Office within six months from the date of document or the grant of the patent or the registration of the design or the coming into force of the Indian Patents and Designs Rules, 1933 :—

| | Rs. |
|---|---|
| In respect of one patent or design .. .. .. .. | 5 |
| For each additional patent or design .. .. .. .. | 2 |

(b) If document is presented for registration in the Patent Office after the above period :—

| | Rs. |
|---|---|
| In respect of one patent or design .. .. .. .. | 20 |
| For each additional patent or design .. .. .. .. | 2 |

FORM 28.

INDIAN PATENTS AND DESIGNS ACT, 1911.

FEE R5.

**Request for correction of clerical error. Section 62.**

I (or we)[1]———

[1]Insert (in full) name, address and nationality.

hereby request that the following clerical error(s)

²Specify the document in which the error occurs.

in the²

No. of , may be corrected in the manner shown in red ink in the official copy of the original²

hereunto annexed.

My (or our) address for service in British India is :—

Dated this day of 19 .

(Signed)

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

FORM 29.

FEE R5.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Request for certificate. Section 59 and Rule 63.**

¹Insert number and date of patent (or number and class of design).

In the matter of { Patent No.¹ of
Design No.¹ Class

²Insert name, address and nationality.

³Set out the particulars which the Controller is requested to certify.

I (or we)²

hereby request you to furnish me (or us) with your certificate to the effect that³

and to send the certificate to

The purpose for which the certificate is required is as follows :—

Dated this day of 19 .

(Signed)

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

*Note.*—An extra charge of anna one will be charged for every 100 words or part thereof for preparing copies of, or extracts from, patents, specifications, entries in the register and other public documents in the Office. Drawings will be charged according to agreement. The certificate will not be prepared until the charge is paid.

FORM 30.

FEE R10.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Rectification of Register. Section 64.**

I (or we)[1] ——— [1]Insert name, address and nationality.

hereby request that the Register of Patents/Designs may be rectified in the following manner in respect of Patent/Design No.[2] ——— dated the ——— [2]Insert number and date of patent or of design.

My (or our) reasons for making this application are as follows :—

I (or we) declare that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

My (or our) address for service in British India is :—

Dated this ——— day of ——— 19 .

(Signed) ———

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

FORM 31.

INDIAN PATENTS AND DESIGNS ACT, 1911.

To be stamped under the Indian Stamp Act.

**Power of Authority to Agent. Section 76.**

In connection with[1] ——— [1]State particulars.

I (or we) hereby authorise[2] ——— of ——— [2]Insert name and address of Agent.

to act as my (or our) Agent and to receive all notices, requisitions and communications until further notice.

[3]And I (or we) revoke the previous authority given by me (or us) to[4] ——— in this matter.

[3]Strike out if not required.
[4]Insert name of Agent whose authority is cancelled.

Dated this ——— day of ——— 19 .

(Signed) ———

Address ———

To

The CONTROLLER of PATENTS and DESIGNS,

1, Council House Street, Calcutta.

## THE THIRD SCHEDULE.

**Model Form of Patent.**

## GOVERNMENT OF INDIA.

THE PATENT OFFICE.

No. of 19 ,

WHEREAS——————————————————————

hath declared that he is in possession of an invention for——————————————

and that he is the——————true and first inventor thereof (or the legal representative or assign of the true and first inventor) and that the same is not in use in British India by any other person to the best of his knowledge, information and belief;

And whereas he hath humbly prayed that a patent might be granted to him for the said invention;

And whereas he hath by and in his specification (of which a printed copy is hereunto annexed) particularly described and ascertained the nature of the invention and the manner in which the same is to be performed;

The Governor-General in Council is pleased to order by these presents that the above said petitioner (including his legal representatives and assigns or any of them) shall, subject to the provisions of the Indian Patents and Designs Act, 1911, as patentee have the exclusive privilege of making, selling and using the invention throughout British India (including British Baluchistan, the Santhal Parganas and the Shan States) and of authorising others so to do for the term of sixteen years from the————day of————19 , subject to the conditions that the validity of this patent is not guaranteed by Government and also provided that the fees prescribed for the continuation of this patent are duly paid.

In witness whereof the Governor-General in Council has caused this patent to be sealed as of the———— day of————19——.

Signature of Controller——————

Date of Sealing——————

*Note.*—Renewal fees will be due on this patent, if it is to be maintained, on the————day of———— 19——, and on the same day in each year thereafter.

## THE FOURTH SCHEDULE.

CLASSIFICATION OF GOODS.

*Class* 1.—Articles composed wholly of metal or in which metal predominates, and jewellery.

*Class* 2.—Books and bookbinding of all materials.

*Class* 3.—Articles composed wholly of India-rubber, wood, bone, ivory, papier mache, or other solid substances not included in other classes, or of materials in which such substances predominate.

*Class* 4.—Articles composed wholly of glass, earthenware, or porcelain, clay (burnt or baked), or cement or in which such materials predominate.

*Class* 5.—Articles composed wholly of paper, card-board, mill-board or straw-board (except articles included in Class 2, and paper hangings), or in which such materials predominate.

*Class* 6.—Articles composed wholly of leather or in which leather predominates, not included in other classes.

*Class* 7.—Paper hangings.

*Class* 8.—Carpets, rugs and floor coverings in all materials.

*Class* 9.—Lace.

*Class* 10.—Boots and shoes.

*Class* 11.—Millinery and wearing apparel (except boots and shoes).

*Class* 12.—Goods not including in other classes.

*Class* 13.—Printed or woven designs on textile piecegoods (other than checks or stripes).

*Class* 14.—Printed or woven designs on handkerchiefs and shawls (other than checks or stripes).

*Class* 15.—Printed or woven designs on textile piece-goods or on handkerchiefs or shawls being checks or stripes.

A. G. CLOW,

*Joint Secretary to the Government of India.*

GOVERNMENT OF INDIA.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

New Delhi, the 3rd February 1933.

**No. A.-197.**—In exercise of the powers conferred by clause (*eee*) of sub-section (*1*) and by sub-section (*2A*) of section 77 of the Indian Patents and Designs Act, 1911 (II of 1911), the Governor-General in Council is pleased to make the following rules:—

**1.** These rules may be called the Indian Secret Patent Rules, 1933. **Short title.**

**2.** In these rules, unless there is anything repugmant in the subject or context— **Definitions.**

(*a*) " Act " means the Indian Patents and Designs Act, 1911;

(*b*) " Controller " means the Controller of Patents and Designs appointed under section 56 of the Act, and includes any officer appointed to act for him;

(*c*) "Office " means the Patent Office provided under section 55 of the Act.

**3.** (1) When it has been decided by the Governor-General in Council that it is advisable to take out a secret patent for any invention assigned under section 21A of the Act to the Secretary of State for India in Council on behalf of His Majesty, and an application for such patent has been made, on Form 1D annexed hereto accompanied by a certificate of the Governor-General in Council under the said section, the Controller shall not communicate the application or any documents relating thereto to any member of his staff other than an examiner or examiners specially authorised by him in this behalf who shall make the investigations required to be made under sections 5 (*1*) of the Act in the case of other applications for patents. **Secret patents.**

(2) Unless and until such invention is re-assigned to the inventor by the Secretary of State for India in Council—

(*a*) the application for the patent, and the acceptance of the same shall not be advertised, nor shall the grant of the patent for such invention be open to opposition under section 9 of the Act; but the Controller shall cause a patent to be sealed in respect of every such invention as soon as may be after the acceptance of the application relating thereto;

(*b*) every such secret patent shall be registered in a confidential register at the office and no details or particulars relating thereto shall at any time be published as required by the Act in the case of patents other than secret patents, nor shall any entry be made in the ordinary Register of Patents in respect of any such secret patent or any assignment thereof.

**4.** In the event of any secret patent being re-assigned to the inventor by the Secretary of State for India in Council— **Re-assignment.**

(*a*) an entry to that effect shall be made in the ordinary Register of Patents as well as in the confidential Register of Patents;

(*b*) all fees that would have been thereafter payable if the patent had not been a secret patent shall be paid in respect thereof;

(*c*) the patent shall remain in force only for the same term, and subject to the same conditions as to payments of fees and otherwise as if it had not been a secret patent.

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FORM 1D.

INDIAN PATENTS AND DESIGNS ACT, 1911.

**Application for a Secret Patent. Section 21-A.**

(*To be accompanied by the specification in duplicate on Form 3 prescribed by the Indian Patents and Designs Rules, 1933, and a certificate under section 21-A.*)

I (or we)[1]——————————————————
do hereby declare—

(I) that I am (or we are) in possession of an invention for[2]——————

(II) that[3]—————— claim to be the true and first inventor thereof;

[1] Insert (in full)name, address and nationality of applicant or applicants.
[2] Insert title of invention.
[3] State who is or are the inventor or inventors.

(III) that the invention is not in use in British India by any other person ;

(IV) that the specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates ;

(V) that the facts and matters stated herein are true to the best of my (or our) knowledge, information and belief.

I (or we) humbly pray that a secret patent may be granted to me (or us) for the said invention.

Dated this[4] ———— day of ———— 19 .

(Signed)[4]

[4]To be dated and signed by applicant or applicants.

To

The CONTROLLER OF PATENTS and DESIGNS,

1, Council House Street, Calcutta.

A. G. CLOW,

Joint Secretary to the Government of India.

1912 CS—810—24-2-33—SGPP Lahore.

Registered No. L 864.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, MARCH 3, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, FEBRUARY 18, 1933.

### FINANCE DEPARTMENT.

NOTIFICATION.

New Delhi, the 15th February 1933.

**No. F.-26-I.-R.-II/33.**—The following Resolution by the Secretary of State for India in Council is published for general information :—

RESOLUTION.

In exercise of the powers conferred by sub-section (2) of Section 96-B of the Government of India Act, the Secretary of State, with the concurrence of the majority of the votes at a meeting of the Council of India held this 17th day of January, 1933, hereby makes the following amendment in the Indian Civil Service Provident Fund Rules, namely :—

In Sub-Rule (*a*) of Rule 14 of the said Rules for the words "make repayment in a smaller number of instalments than that prescribed", the words "repay more than one instalment in a month" shall be substituted.

J. B. TAYLOR,
Officiating Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES.)

NOTIFICATIONS.

CUSTOMS.

New Delhi, the 18th February 1933.

**No. 7.**—In exercise of the power conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to cancel, with effect from the 1st March 1933, the notifications of the Government of India in the Finance Department (Central Revenues), Nos. 16-Customs, 17-Customs and 19-Customs, dated the 12th March 1927, except as regards anything done or any offence committed or any fine or penalty incurred or any proceedings instituted before the said date.

**No. 8.**—In exercise of the power conferred by section 134 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to cancel, with effect from the 1st March 1933, the notification of the Government of India in the Finance Department (Central Revenues), No. 35-Customs, dated the 11th June 1927, except as regards anything done or any offence committed or any fine or penalty incurred or any proceedings instituted before the said date.

**No. 9.**—In exercise of the power conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession, with effect from the 1st March 1933, of the notification of the Government of India in the Finance Department (Central Revenues), No. 24-Customs, dated the 5th July 1930, the Governor-General in Council is pleased with effect from the 1st March 1933, to prohibit the bringing into British India through the medium of the Post Office, or the taking out of British India through that medium to any place outside India, of any opium, morphine, cocaine or other narcotic: Provided that a medicinal preparation which has been declared by a notification for the time being in force under clause (*g*) of section 2 of the Dangerous Drugs Act, 1930 (II of 1930), not to be a manufactured drug may be brought into British India or taken out of British India to such place through the medium of the parcel post.

2. The Governor-General in Council is further pleased to direct that the prohibition hereinbefore imposed shall be in addition to and not in derogation of the prohibitions and restrictions imposed by the Dangerous Drugs (Import, Export and Transhipment) Rules, 1933, published with the notification of the Government of India in the Finance Department (Central Revenues), No. 1-Dangerous Drugs, dated the 18th February 1933.

**No. 10.**—In exercise of the power conferred by section 134 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to prohibit the transhipment at any Customs-port of any goods liable to Customs duties which are destined for the port of Port Blair or the port of Camorta.

DANGEROUS DRUGS.

The 18th February 1933.

**No. 1.**—In exercise of the powers conferred by sub-section (*2*) of section 7 of the Dangerous Drugs Act, 1930 (II of 1930), the Governor-General in Council is pleased to make the following rules, the same having been previously published as required by sub-section (*1*) of section 36 of the said Act, namely:—

PART I.—*Preliminary.*

Short title, commencement, repeal and application.

**1.** (1) These rules may be called the Dangerous Drugs (Import, Export and Transhipment) Rules, 1933.

(2) They shall come into force on the 1st March, 1933, whereupon all rules (not being rules regulating the import of *charas* into British India by land) made by whatever authority under an enactment specified in the first three columns of Schedule II to the Dangerous Drugs Act, 1930 (II of 1930), and for a purpose specified in sub-section (*2*) of section 7 of the said Act shall be cancelled except as regards anything done or any offence committed or any fine, or penalty incurred or any proceedings instituted before the said date.

(3) Nothing in these rules shall apply to the import of *charas* into British India by land.

Definitions.

**2.** In these rules the expressions "dangerous drug" and "manufactured drug" do not include prepared opium.

PART II.—*General prohibition of import and export by air.*

Air.

**3.** No dangerous drug shall be imported into or exported from British India by air.

PART III.—*Import by sea or by land.*

General.

**4.** No dangerous drug shall be imported into British India by sea or by land save in accordance with the conditions specified in the third column of the annexed Table for the import of the dangerous drugs specified in the corresponding entry in the first column thereof from the places specified in the corresponding entry in the second column thereof:

Provided that a Local Government may by general or special order permit a traveller to import personally into British India by land from any Indian State or foreign settlement in India opium or hemp up to the limit of quantity within which possession by him is allowed without a pass on the British Indian side of the Frontier.

*Table.*

| Dangerous drugs. | Places from which imported. | Conditions. |
|---|---|---|
| (1) Opium .. | Any Indian State or foreign settlement in India. | (1) Where the final destination is in British India the import shall be effected (*i*) on behalf of the Governor-General in Council, or (*ii*) under an authorisation granted, with the general or special consent of the Governor-General in Council, by the Local Government within whose jurisdiction such destination is situate, or by an officer, empowered in this behalf by such Local Government. |
| | | (2) Where the final destination (*i*) in the case of import from a State in India is another part of the same State or another such State, or (*ii*) in the case of import from a foreign settlement in India is another part of the same settlement, the import shall be effected under an authorisation granted by or under the orders of the Local Government within whose jurisdiction the place of importation is situate, such authorisation being marked "in transit." |
| | Any other place outside British India. | (1) Where the final destination is in British India the import shall be effected under an authorisation granted by the Governor-General in Council. |
| | | (2) Where the final destination is outside British India the import shall be effected under an authorisation granted by the Governor-General in Council, or, in such classes of case as the Governor-General in Council may direct, by or under the orders of the Local Government within whose jurisdiction the port or place of importation is situate, such authorisation being marked "in transit." |
| (2) Coca leaf .. | Any place outside British India. | (1) Where the final destination is in British India the import shall be effected under an authorisation granted by the Local Government within whose jurisdiction the importer resides or has his place of business or by an officer empowered in this behalf by such Local Government. |
| | | (2) Where the final destination is outside British India the import shall be effected under an authorisation granted by or under the orders of the Local Government within whose jurisdiction the port or place of importation is situate, or, in such classes of case as the Governor-General in Council may direct, the Collector of Customs of the port of importation, such authorisation being marked "in transit." |
| (3) Manufactured drugs.. | Any place outside British India. | (1) Where the final destination is in British India the import shall be effected under an authorisation granted by the Local Government within whose jurisdiction the importer resides or has his place of business or by an officer empowered in this behalf by such Local Government; and where the manufactured drugs imported include preparations, officinal or non-officinal, containing more than 0·1 per cent. of cocaine or more than 0·2 per cent. of morphine or containing any diacetylmorphine, the bottles, phials, packages or other containers of these preparations or labels affixed to them shall plainly exhibit the actual quantity of the dangerous drug present in each container or sufficient particulars to admit of the ready calculation of such quantity. |

*Table*—concld.

| Dangerous drugs. | Places from which imported. | Conditions. |
|---|---|---|
| (3) Manufactured drugs—*concld.* | Any place outside British India—*concld.* | (2) Where the final destination is outside British India the import shall be effected under an authorisation granted by or under the orders of the Local Government within whose jurisdiction the port or place of importation is situate, or, in such classes of case as the Governor-General in Council may direct, the Collector of Customs of the port of importation, such authorisation being marked "in transit." |
| (4) Hemp (excluding *charas* imported by land). | Any place outside British India. | The import shall be effected on behalf of a Local Government or under an authorisation granted by the Local Government within whose jurisdiction the importer resides or has his place of business or by an officer empowered in this behalf by such Local Government. |

Restriction on use of post office.

**5.** The medium of the post office shall not be used for the import in accordance with this Part into British India by sea or by land of any dangerous drug.

## PART IV.—*Export by sea or by land.*

Export of coca leaf prohibited.

**6.** Coca leaf shall not be exported from British India by sea or by land.

Export by sea: general.

**7.** Save as provided in rule 10, dangerous drugs other than coca leaf shall not be exported by sea from British India save under an authorisation granted in accordance with rule 8 and from a port appointed for the purpose in rule 9.

Authorisations for export by sea.

**8.** (1) The export authorisation referred to in Rule 7 shall be granted in the case of export to a maritime state in India by or under the orders of the Local Government within whose jurisdiction the port of export is situate, and in the case of exports elsewhere by the Collector of Customs at the port of export who shall not without the special permission of the Governor-General in Council to be obtained in each case grant an authorisation unless—

(*i*) in the case of exports of opium, the opium is to be exported on behalf of the Governor-General in Council,

(*ii*) in the case of exports of dangerous drugs other than opium—

(*a*) the dangerous drugs are to be exported to a country which has ratified the Geneva Convention; and

(*b*) there has been produced in the case of export of drugs other than *charas* and the ordinary mixtures of which *charas* forms the base an import certificate from the country of destination in the form annexed and in the case of exports of *charas* and the ordinary mixtures of which *charas* forms the base a special import certificate issued by the Government of the importing country stating that the importation is approved for the purposes specified in the certificate and that the *charas* or mixtures will not be re-exported.

## FORM OF IMPORT CERTIFICATE.

CONVENTION RELATING TO DANGEROUS DRUGS (INTERNATIONAL OPIUM CONFERENCE, GENEVA, 1925).

*Certificate of Official Approval of Import.*

No.

I hereby certify that the Ministry of......................being the Ministry charged with the administration of the law relating to the dangerous drugs to which the convention relating to Dangerous Drugs (International Opium Conference, Geneva, 1925) applies, has approved the importation by

(*a*) Name, address and business of importer. (*a*)................................................

..........................................

(*b*) Exact description and amount of drug to be imported. of (*b*)................................................

..........................................

(*c*) Name and address of firm in exporting country from which the drug is to be obtained. from (*c*)................................................

..........................................

subject to the following conditions

(*d*) State any special conditions to be observed, *e.g.*, not to be imported through the post. (*d*)................................................

..........................................

and is satisfied that the consignment proposed to be imported is required :

(1) For legitimate purposes (in the case of raw opium and the coca leaf)*;

(2) Solely for medicinal or scientific purposes (in the case of drugs to which Chapter III of the Convention applies and Indian hemp.)

Signed on behalf of the Ministry of.............

(Signature).............

(Official Rank).............

(Date).........................

*Where the use of prepared opium has not yet been suppressed and it is desired to import raw opium for the manufacture of prepared opium, the certificate should be to the effect that the raw opium to be imported is required for the purpose of manufacturing prepared opium for use under Government restrictions pending complete suppression, and that it will not be re-exported.

MODELE DE CERTIFICAT D'IMPORTATION.

CONVENTION INTERNATIONALE DE L'OPIUM.

*Certificat officiel d'importation.*

No.........................

Nous certifions par la présente que le Ministere du................chargé de l'application de la loi sur les stupéfiants visés par la Convention internationale de l'opium a approuvé la importation par ;

| | |
|---|---|
| (*a*) Nom, adresse et profession de l'importateur. | (*a*)...................................... |
| (*b*) Description exacte du stupéfiant et quantité destinée à l'importation. | de (*b*).................................. |
| (*c*) Nom et adresse de la maison du pays exportateur qui fournit le stupéfiant. | en provenance de (*c*)..................... |
| (*d*) Indiquer toutes les conditions spéciales à observer ; mentionner, par exemple, que le stupéfiant ne doit pas étre expédié par la poste. | sous réserve des conditions suivants (*d*)...... |

..........................................

et déclarons que l'envoi destiné à l'importation est nécessaire :

(1) pour les besoins légitimes (dans le cas d'opium brut et de la feuille de coca)[1] ;

(2) pour des besoins médicaux ou scientifiques exclusivement (dans le cas des stupéfiants visés par le chapitre III de la Convention et du chanvre indien).

Pour le ministre et par son ordre...........................

(Signé)....................

(Titre)...................

(Date).......................

[1] Les pays qui n'ont pas supprimé l'habitude de fumer l'opium et qui désirent importer de l'opium brut pour la fabrication de l'opium préparé doivent délivrer des certificats établissant que l'opium brut réservé à l'importation est destiné à la fabrication de l'opium préparé, que les fumres sont soumis aux restrictions gouvernementales, en attendant la suppression complete de l'opium et que l'opium importé ne sera pas réexporté.

(2) In the case of exports of opium from the port of Calcutta export authorization shall be issued in triplicate, one copy being retained for record, one being handed to the consignor so that it may accompany the consignment and one being despatched to the Government of the importing country in pursuance of clause (4) of Article 13 of the Geneva Convention.

In the case of all other exports except exports to a maritime State in India, the authorization shall be issued in quadruplicate, three copies being disposed of as hereinbefore provided and the fourth being forwarded immediately on the grant of the authorization to the local excise authorities:

Provided that if a proposed consignment appears to the Collector of Customs to be of an unusual character he shall consult the local excise authorities before granting the authorization.

(3) All authorizations issued under this Rule shall, save where export is to be effected by post under rule 13, be prominently marked "not available by post".

Ports from which export to be made.

**9.** The dangerous drugs specified in the first column of the annexed table shall not be exported by sea from British India to a place specified in the corresponding entry in the second column, save from a port specified in the corresponding entry of the third column thereof.

TABLE.

| Dangerous drugs. | Place to which exported. | Ports from which export permitted. |
|---|---|---|
| 1. Opium .. | A maritime State in India .. | Bombay. |
| | Any other place outside British India. | Bombay and Calcutta. |
| 2. Hemp and manufactured drugs. | Any place outside British India. | Bombay, Calcutta, Madras, Rangoon and Karachi. |

Special authorization for export for use on ships.

**10.** (1) The Collector of Customs at any port from which a ship departs from British India may grant an authorization for the export by that ship of such quantity of opium, hemp and manufactured drugs as is in his opinion required for *bona fide* use on board the ship by the crew and save in the case of pilgrim ships by the passengers.

(2) In the case of a pilgrim ship the Collector of Customs may issue an authorization for the export of an additional quantity of opium, hemp and manufactured drugs for use on board the ship by pilgrims. Such authorization shall not be issued save on the authority of an excise permit granted by or under the orders of the Local Government within whose jurisdiction the port of departure is situate on the strength of a certificate from the Port Health Officer that opium, hemp and manufactured drugs to the quantity involved are necessary for the use of pilgrims on board the ship.

Export by land.

**11.** Dangerous drugs other than coca leaf shall not be exported by land from British India save under an export authorization granted by a Local Government or by an officer authorised in that behalf by a Local Government:

Provided that an export authorization shall not be required in the case of—

(*a*) the export of manufactured drugs which have been imported into British India in transit to a place outside British India under an import authorization marked "in transit" by the authority issuing the same;

(*b*) opium or hemp exported personally by a traveller to a French or Portuguese Settlement in India or to a State in India, up to the limit of quantity within which possession is allowed without a pass on the British Indian side of the Frontier;

(*c*) manufactured drugs so exported by such traveller which have been lawfully obtained for the personal use of the traveller or his family from a recognised physician or a licensed pharmacist in British India.

Provisions regarding authorizations for export by land.

**12.** (1) The export authorization referred to in rule 11 shall not be granted for export to a country other than a State in India unless an import certificate from the Government of the importing country has been produced in the form or to the effect required by clause (*ii*) of sub-rule (1) of rule 8; and where the importing country has not ratified the Geneva Convention, such export authorization shall not, in the case of an unusually large consignment, be granted without prior reference to the Governor-General in Council, unless the export is being effected in accordance with standing orders approved by the Governor-General in Council.

(2) Every such export authorization shall, save where export is to be effected by post under rule 13, be prominently marked "not available by post" and shall be issued in triplicate, the three copies being disposed of in the manner specified in sub-rule (2) of rule 8.

Extent to which use of post office allowed.

**13.** (1) Save as provided in sub-rules (2) and (3) the medium of the post office shall not be used for the export in accordance with this Part from British India by sea or by land of any dangerous drug.

(2) Where dangerous drugs are to be exported in accordance with this Part to a French or Portuguese Settlement in India, the export authorization may be marked "available by parcel post":

Provided as follows:—

(*a*) The export authorization shall not be so marked unless an import certificate from the Government of the importing territory expressly authorizing import into that territory by post and stating that the drugs in question are required for medicinal purposes only has been produced;

(*b*) If the drugs are to be exported by sea, the export authorization referred to in rule 8 shall be granted either by the Collector of Customs at the port of export or, by or under the orders of the Local Government within whose jurisdiction the Post Office of despatch is situate;

(*c*) The number of copies required under rule 8 or rule 12 of the export authorization shall be increased by one, the additional copy being handed to the consignor for production at the Post Office of despatch.

(3) Where dangerous drugs are to be exported in accordance with this Part to a State in India the export authorization may be marked "available by parcel post":

Provided as follows:—

(*a*) The export authorization shall not be so marked unless an import certificate or import authorization issued by the proper authority in the importing State has been produced.

(*b*) Any parcel containing dangerous drugs so exported shall be insured and shall be accompanied by a declaration to be signed by the person despatching the parcel and handed in at the office at which the parcel is tendered for transmission stating the names of the consignor and consignee, the contents of the parcel in detail, the number and date of the export authorization and import certificate or import authorization relating to the parcel, the number of the licence held by the consignee and such other particulars as the Local Government may determine;

(*c*) The number of copies required under rule 8 or rule 12 of the export authorization shall be increased by one, the additional copy being handed to the consignor for production at the Post Office of despatch;

(*d*) Any Local Government may, notwithstanding anything contained in this sub-rule, prohibit the despatch by post of any dangerous drug from any place within its jurisdiction to any specified State in India.

PART V.—*Transhipment.*

Transhipment.

**14.** (1) No dangerous drug shall be transhipped at any port in British India save with the permission of the Customs Collector.

(2) The Customs Collector shall not grant the permission referred to in sub-rule (1) save under the special orders of the Governor-General in Council in each case unless—

(*a*) the country from which the drugs have been shipped and the country to which the drugs are consigned are signatories to and have ratified the Geneva Convention, and

(*b*) the drugs are covered by an export authorization or a diversion certificate granted in accordance with Article 13 or Article 15 as the case may be of the said Convention by or under the authority of the Government of the country from which they have been shipped and such authorization or certificate is produced for the inspection of the Customs Collector in accordance with Article 15 of the said Convention.

A. H. LLOYD,

Joint Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

New Delhi, the 13th February 1933.

**No. F.-41/1/33-F.**—The following draft of certain rules, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 20-B of the Ancient Monuments Preservation Act, 1904 (VII of 1904), is published, as required

by sub-section (2) of the said section, for the information of all persons likely to be effected thereby, and notice is hereby given that the draft will be taken into consideration by the Governor-General in Council on or after the 15th May 1933. Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Governor-General in Council.

*Draft Rules.*

1. In these rules—

"Director General" means the Director General of Archæology in India;

"Form" means a Form set out in the Schedule;

"Section" means a section of the Ancient Monuments Preservation Act, 1904 (VII of 1904).

2. When the Governor-General in Council consults a Local Government in pursuance of sub-section (1) of section 20 as a preliminary to declaring an area to be a protected area, the Local Government shall, before communicating its observations to the Governor-General in Council, cause a notice of the intended declaration to be exhibited in a conspicuous place on or near the area in question specifying the boundaries of that area and inviting any person who objects to the proposed declaration to forward to the Collector a statement of the grounds of his objection within one month of the date on which the notice is exhibited. Any objection forwarded in pursuance of this invitation shall be transmitted to the Governor-General in Council with the observations of the Local Government and shall be taken into consideration by the Governor-General in Council before he decides whether to make the proposed declaration.

3. On the completion of preliminary excavations or soundings in a protected area vesting in any party other than Government or the licensee, or if the preliminary excavations or soundings are not completed within one year of the date on which they were commenced, on the expiration of one year from that date, the Governor-General in Council shall either cancel the notification under the said sub-section or direct the Local Government to acquire such area under section 20-C.

4. No person other than an officer of the Archæological Department, or a person holding a license under section 20-B, shall make excavations in a protected area, and such officer or person shall not make excavations in such area save with the written permission of the Collector.

5. (1) Every application for a license under section 20-B shall be addressed to the Director General and shall state the qualifications of the applicant, whether a license is required in respect of the whole of the protected area and, if not, the limits within which it is required and the amount of labour which the applicant proposes to employ.

(2) On receipt of an application under sub-rule (1) the Director General shall have discretion to grant or refuse a license:

Provided that he shall not grant a license unless he is satisfied of the scientific competence of the society, institution or individual applying for the same.

6. A license under section 20-B shall not be granted until the applicant has furnished security of such amount as the Governor-General in Council may in each case require. Such security shall be furnished by the deposit of cash or, with the permission of the Governor-General in Council, by the execution of a bond with two approved sureties.

7. A license under section 20-B shall not be transferable and shall remain in force for a period of three years:

Provided that the Director General may extend the duration of any license and may cancel any license at any time during its duration if he is of opinion that the results of the excavations are unsatisfactory or on any breach by the licensee of the conditions of the license:

Provided further that on any breach by the licensee of the conditions of the license the Director General may, in addition to or in lieu of cancelling the license, direct the forfeiture to Government in whole or in part of the security furnished under rule 6.

8. The Governor-General in Council may recover from the security furnished under rule 6, such portion, if any, as he may in each case think fit:—

(a) the value of any antiquities found in the area in respect of which the license is held which are lost or destroyed while in the custody of the licensee;

(b) any compensation payable by Government under sub-section (2) of section 20-A in respect of that area;

(c) the cost to Government of acquiring that area under section 20-C.

9. When any forfeiture of, or recovery from, the security furnished under rule 6 is effected under rule 7 or rule 8 and the license remains in force, the Director General may require the licensee, within such time as he may appoint in this behalf, to deposit such further sum in cash or as the case may be to execute a supplementary bond with two sureties for such amount as will restore the original amount of the security and if such further sum or supplementary bond is not deposited or executed within the time appointed, the license shall be cancelled.

10. On the expiration or cancellation of a license, the unforfeited balance of any cash deposited, or as the case may be any bond executed by the licensee, shall be returned to him on the Director General certifying that no liability recoverable under rule 7 or rule 8 is outstanding against the licensee.

11. Every license under section 20-B shall be granted on the following conditions—

(1) the licensee shall employ a competent archæologist approved by the Director General to supervise the work of excavation in conformity with any instructions given by the Director General and shall furnish the archæologist with adequate equipment to the satisfaction of the Director General for making photographic and other records and architectural plans of the area in respect of which the license is held and of any antiquities found therein;

(2) no buildings or other antiquities found in the area in respect of which the license is held shall be dismantled, removed or disturbed, save with the permission of the Director General;

(3) the licensee shall, as soon as practicable after their discovery, furnish the Archæological Department with a detailed list of all antiquities found in that area;

(4) the excavations and all objects discovered in the course thereof shall be open to inspection at any time by any officer of the Archæological Department or by any person authorised by the Director General in this behalf, and it shall be open to such officer or person to make any notes or drawings or to take any photographs of the site under excavation or of any antiquities recovered therefrom;

(5) the licensee shall be responsible for the care of all property, moveable or immoveable, found in the course of excavation, and shall, if required by the Director General, maintain a guard over the excavations;

(6) the licensee shall, not later than the 30th September in each year, supply the Archæological Department with a summary report of the main results of the work performed up to the 31st May in that year in a form suitable for publication either by the Archæological Department or in a recognised archæological periodical.

12. A license under section 20-B shall be granted in Form A and the bond referred to in rule 6 shall be executed in Form B.

13. Any person committing a breach of these rules, and any licensee committing a breach of the conditions of his license shalll be punishable with fine which may extend to five thousand rupees, and the licensee shall be so punishable for any breach of the conditions of his license which is committed by a servant or agent of the licensee.

14. The Archæological Department shall not publish a report of the results of the operation undertaken by the licensee unless the licensee fails to publish such report within three years of the expiration of the license or within that period publishes a report which the Director General considers to be inadequate.

15. Antiquities found by a licensee in the area in respect of which the license is held shall be disposed of by the Governor-General in Council after consultation with the Director General, or, if in any case he thinks fit to appoint a Committee to advise him on the subject, after consultation with such Committee. The disposal of such antiquities shall be subject to the following requirements:—

(*a*) human relics of historical and religious importance, and any objects, which in the opinion of the Governor-General in Council are of national importance, shall remain the property of Government and shall be retained in India;

(*b*) subject to the provisions of clause (*a*), the licensee shall be permitted to retain such portion of such antiquities as will be sufficient in the opinion of the Governor-General in Council to recompense him for the expenditure incurred in the course of his operations under the license;

(*c*) antiquities retained by Government shall be distributed in accordance with the procedure for the time being applicable to the distribution of antiquities recovered by the Archæological Department.

## SCHEDULE.

### Form A.

### LICENSE.

License is hereby granted by the Director General of Archæology in India under the Ancient Monuments Preservation Act, No. VII of 1904 to
of after first obtaining the written permission of the Collector of to enter upon the area situted in the village of
in the district of which area has, under the provisions of section 20 of the said Act as amended by the Ancient Monuments Preservation (Amendment) Act XVIII of 1932, been duly notified as a "Protected Area" and to carry out excavations for the purpose of archæological research within the limits shown by a red boundary line or

mark upon the plan attached hereto subject always nevertheless to the provisions of the said Act and to the terms and conditions contained in the Rules framed by the Governor-General in Council under section 20-B of the said Act and which Rules are given below.

The said being the Licensee has deposited with the Director General of Archæology the sum of Rs. by way of security as required by the aforesaid Rules (or has with the permission of the Governor-General in Council executed a Bond in favour of the Secretary of State for India in Council with two sureties for the amount of Rs. ).

This License is granted for a period of years commencing from the day of but may be extended by endorsement under the hand of the Director General of Archæology for such period as the Director General of Archæology may deem fit.

Form B.

BOND UNDER RULE 6.

WE A of (hereinafter called " the Licensee ") and B of and C of (hereinafter called " the sureties ") are held and firmly bound to the Secretary of State for India in Council in the sum of Rs. to be paid to the said Secretary of State, his successors in office or assigns for which payment to be well and truly made we bind ourselves jointly and severally and each of us binds his personal representatives by these presents sealed with our respective seals dated this day of 19 .

WHEREAS the above bounden Licensee has applied for and been granted a License dated the day of 19 by the Director General of Archæology in India to carry out excavations for purposes of archæological research within the " Protected Area " and the limits specified in the said License subject to the terms and conditions prescribed in the Rules made under the Ancient Monuments Preservation Act, No. VII of 1904 (as amended) a copy of which Rules is annexed to / printed below the said License AND WHEREAS it has been agreed that with the permission of the Governor-General in Council the Licensee in lieu of depositing security in cash shall enter into this Bond for the due fulfilment of the provisions of the Rules and the two sureties have agreed to stand as security for the due and faithful observance by the Licensee of the said Rules.

Now the condition of the above written Bond is such that if the above mentioned Licensee shall duly observe the terms and conditions prescribed by the above mentioned Rules and keep the Director General of Archæology indemnified against all loss or damage caused by the negligence or oversight of himself or any of his agents the Bond above written will be void otherwise the same will continue in full force and virtue.

G. S. BAJPAI,
Secretary to the Government of India.

FROM THE " GAZETTE OF INDIA, " NEW DELHI, SATURDAY, FEBRUARY 25, 1933.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.

DANGEROUS DRUGS.

New Delhi, the 25th February 1933.

**No. 2.**—In pursuance of sub-clause (*i*) of clauses (*j*) and (*l*) of section 2 of the Dangerous Drugs Act, 1930 (II of 1930), the Governor-General in Council is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Finance Department (Central Revenues), No. 9-Dangerous Drugs dated the 19th September 1931, namely :—

To the said notification the following proviso shall be added, namely :—

" Provided that this notification shall not apply to raw opium produced in a State in Central India or Rajputana and brought into the said United Provinces from any such State."

A. H. LLOYD,
Joint Secy. to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATION.

(TARIFFS.)

New Delhi, the 25th February 1933.

**No. 579-T.-(3).**—In exercise of the powers conferred by section 4, sub-section (3) of the Indian Tea Cess Act, 1903 (IX of 1903) the Governor General in Council is pleased, on the recommendation of the Indian Tea Association to appoint Mr. J. M. Kilburn, of the Makum (Assam) Tea Company, Limited, Margherita P. O., Upper Assam, to fill the vacancy on the Indian Tea Cess Committee caused by the resignation of Mr. D. S. Withers.

T. A. STEWART,
Addl. Secy. to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATIONS.

POSTS AND TELEGRAPHS BRANCH.

New Delhi, the 18th February 1933.

**No. I. M.-114/33-Tl.**—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Indian Post Office Rules, 1926, namely:—

After rule 5 of the said Rules, the following rule shall be inserted, namely :—

"5-A. When non-inflammable or "Safety" cinematograph films are sent by the letter post, they shall be contained in a substantial metal case and the metal case shall be packed in a strong wooden or card-board container and a label bearing the words "This contains non-inflammable films only" printed in red type or written in bold hand in red ink shall be affixed to the outside of each packet."

**No. 1062-I. M.-Tl./32.**—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Indian Post Office Rules, 1926, namely :—

In rule 167 of the said Rules after clause (*r*) the following clause shall be inserted, namely :—

"(*s*) The Deputy Collector of Salt Revenue, Bombay, provided that the articles posted by him relate solely to the business of the Landing and Wharfage Fees Fund."

J. A. SHILLIDY,
Secretary to the Government of India.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

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LAHORE, FRIDAY, MARCH 10, 1933.

## PART II.

### Republications from the " Gazette of India."

FROM THE " GAZETTE OF INDIA," NEW DELHI, SATURDAY, 18TH FEBRUARY, 1933.

**DEPARTMENT OF COMMERCE.**

NOTIFICATION.

REGISTRATION OF ACCOUNTANTS.

New Delhi, the 18th February 1933.

**No. 9 (1) T. & E.-(R. A.).**—With reference to rules 49 and 52 (2) of the Auditor's Certificates Rules, 1932, and to the notification of the Government of India in the Department of Commerce, No. 201-(5)-T. & E.-(A. B.), dated the 2nd April, 1932, it is hereby notified for general information that the Governor-General in Council has been pleased to appoint Mr. C. G. Ashworth, A. C. A., R.A., of Messrs. Lovelock and Lewes, Calcutta, to be a member of the Indian Accountancy Board, *vice* Mr. T. Law of Messrs. Price, Waterhouse, Peat and Company, Calcutta, resigned.

J. C. B. DRAKE,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, MARCH 4, 1933.

## LEGISLATIVE DEPARTMENT.

NOTIFICATION.

New Delhi, the 27th February 1933.

**No. 44/33-P.**—Whereas by Resolution passed by the Secretary of State for India in Council on the 10th day of September, 1884, the provisions of section 1 of the Government of India Act, 1870 (33 and 34 Vict., c. 3), were declared applicable to the Island of Perim ;

And whereas by Resolution passed by the said Secretary of State for India in Council on the 9th day of November, 1886, the provisions of the said section were declared applicable to the Settlement of Aden and its dependencies for the time being, inclusive of the villages of Sheikh Othman, Imad and Hiswa, the Island of Perim and Little Aden ;

And whereas the places to which the provisions of the said section were declared applicable by the said Resolutions are territories now under the administration of the Chief Commissioner of Aden ;

And whereas the said provisions having from time to time been repealed, re-enacted and amended, are now incorporated in section 71 of the Government of India Act ;

And whereas the said Chief Commissioner of Aden in Council has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same ;

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft and the same has received the assent of the Governor-General on the 26th day of February, 1933 ;

In pursuance of the direction contained in sub-section (2) of section 71 of the Government of India Act, the said Regulation is now published in the *Gazette of India*.

REGULATION No. I OF 1933.

A

REGULATION

TO

*Amend the Aden Laws Regulation, 1932.*

II of 1932. WHEREAS it is expedient to amend the Aden Laws Regulation, 1932 ; It is hereby enacted as follows :—

Short title.

1. This Regulation may be called the Aden Laws (Amendment) Regulation, 1933.

Amendment of Schedule B to Regulation II of 1932.

II of 1932. 2. For the entry in column 2 relating to item 14 in Schedule B to the Aden Laws Regulation, 1932, the following entry shall be substituted, namely :—

"The *Gazette of India* when the authority making the notification or publication is the Governor-General in Council and the *Aden Gazette* when that authority is the Chief Commissioner or any local authority in Aden."

D. G. MITCHELL,

Offg. Secretary to the Government of India.

## HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

New Delhi, the 24th February 1933.

**No. F.-496/31.**—It is hereby notified that the rules published with the Home Department Notification No. 599/Ests , dated the 21st June, 1918, have been cancelled.

The 2nd March 1933.

**No. F.-357/32.**—The following Resolution made by the Secretary of State for India in Council is published for general information with reference to his Resolution of 20th September, 1932, published with the Notification of the Government of India in the Home Department No. F.-357/32, dated the 19th November 1932 :—

In exercise of the powers conferred by sub-section (2) of Section 96-B of the Government of India Act, the Secretary of State, with the concurrence of a majority of votes at a meeting of the Council of India held this 17th day of January, 1933, hereby resolves that the amendments of rule 16 and Schedule IV to the Superior Civil Services Rules, which were made by the Resolution in Council of 20th September, 1932, shall have effect as if the rules had been originally enacted as so amended.

**No. F.-357/32 1).**—In exercise of the powers conferred by sub-regulation (2) of Regulation 6 of the Regulations included in Schedule IV to the Superior Civil Services Rules, the Governor-General in Council is pleased to direct that the amendments published with the Notification of the Government of India in the Home Department No. F.-357/32-Ests. (1), dated the 19th November, 1932, shall have effect as if the rules had been originally enacted as so amended.

M. G. HALLETT,

Secretary to the Government of India.

JUDICIAL.

The 2nd March 1933.

**No. F.-482-1/32.**—Under section 4 of the North-West Frontier Province Courts Regulation, 1931 (I of 1931), the Governor-General in Council is pleased to appoint Mr. L. Middleton, I.C.S., a District and Sessions Judge in the Punjab to be Judicial Commissioner, North-West Frontier Province, for a period of four years with effect from the 3rd April, 1933, *vice* Sir Hugh Fraser, Kt., C.I.E., O.B.E., I.C.S., proceeding on leave preparatory to retirement.

C. W. GWYNNE,

Joint Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATIONS.

CUSTOMS.

New Delhi, the 4th March 1933.

**No. 12.**—In exercise of the power conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Finance Department (Central Revenues), No. 14-Customs, dated the 9th April, 1932, namely :—

In the said Notification, in Schedule I—Import Duties, under the head "A—General" and sub-head "I —*Duties generally,*" in clause (*i*) of the entry in column 2 relating to Serial No. 6 for the words "apparatus to be imported is for use in commercial wireless communication" the words "apparatus will not be used for the reception of broadcast wireless" shall be substituted.

**No. 13.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to exempt fents of not more than nine yards in length of fabrics specified in sub-items (*a*) and (*b*) of item No. 45-A of Schedule II to the Indian Tariff Act, 1894 (VIII of 1894), from so much, if any, of the duty to which they are liable under the Provisional Collection of Taxes Act, 1931 (XVI of 1931), read with the declaration attached to the Indian Finance Bill, 1933, as is in excess of 35 per cent. *ad valorem*.

A. H. LLOYD,

Joint Secretary to the Government of India.

INCOME-TAX.

The 4th March 1933.

**No. 6.**—In exercise of the powers conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Notification of the Government of India in the Finance Department, No. 878-F., dated the 21st March, 1922, namely :—

In paragraph (*a*) of the said Notification—

(1) In clause (18) after the words " or to members of the Indian Police forces the words " or to Civil Officers serving in a civil capacity with a Military Force " shall be inserted.

(2) In clause (19) after the words " the Royal Indian Marine," the words " or to Civil Officer serving in a civil capacity with a Military Force " shall be inserted.

J. B. VACHHA,

Joint Secretary to the Government of India.

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## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, MARCH 11, 1933.

### FINANCE DEPARTMENT

RESOLUTION.

New Delhi, the 8th March 1933.

SUBJECT :—*Rate of interest on deposits in the General Provident Fund and other similar funds.*

**No. 4415-R. II.**—In their Resolution No. F. 37-V.-R. II., dated the 6th December 1930, the Government of India published an explanation of the method approved by His Majesty's Secretary of State for India in Council, for the calculation of the rate of interest on certain Funds. It is announced for general information that the rate of interest on deposits and also on balances at the credit of subscribers to the General Provident and other similar funds on the 31st March 1933, as determined by the approved method, is 5·5 per cent., and that this rate will be in force during the financial year beginning on the 1st April 1933. The funds concerned are :—

1. The General Provident Fund.
2. The Civil Engineers' Provident Fund.
3. The Finance Department Provident Fund.

4. The Police Department Provident Fund.

5. The Geological Survey Department Provident Fund.

6. The Opium Department Provident Fund.

7. The Forest Department Provident Fund.

8. The Contributory Provident Fund (India).

9. The Civil Veterinary Department Provident Fund.

10. The Madras Military Assistant Surgeons' Provident Fund.

11. The Indian Civil Service Provident Fund.

12. The Indian Ordinance Department Provident Fund.

13. The Special Provident Funds on bonus or contributory terms.

14. The Indian Civil Service (Non-European Members) Provident Fund.

2. It is intended that the same rate of interest (5·5 *per cent.*) should also apply, with effect from the same date, to compulsory subscriptions and contributions and to the balances at credit of the subscribers on the 31st March 1933 in respect of the State Railway Provident Fund and the Provident Funds of the Assam Bengal, Bombay, Baroda and Central India, Burma Bengal Nagpur, Madras and Southern Mahratta and South Indian Railways whose provident fund securities have been taken over by Government.

ORDERED that the Resolution be published in the *Gazette of India*.

J. B. TAYLOR,

Offg. Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.

STAMPS.

New Delhi, the 11th March 1933.

**No. 1.**—In exercise of the powers conferred by the Indian Stamp Act, 1899 (II of 1899), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Indian Stamp Rules, 1925, namely :—

In appendix III to the said Rules, after item 8, the following item shall be inserted, namely :—

" 8-A. Debentures..................................................27. "

A. H. LLOYD,

Joint Secretary to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATION.

TARIFFS.

New Delhi, the 11th March 1933.

**No. 579-T. (3).**—In exercise of the powers conferred by section 4, sub-section (3) of the Indian Tea Cess Act, 1903 (IX of 1903) the Governor-General in Council is pleased, on the recommendation of the Indian Tea Association to appoint Mr. Balfour Smith of Messrs. Macneill and Company, to fill the vacancy on the Indian Tea Cess Committee caused by the resignation of Mr. E. G. Abbott.

T. A. STEWART,

Addl. Secretary to the Government of India.

## ARMY DEPARTMENT.

New Delhi, the 11th March 1933.

### PART B.

CANTONMENTS—ACCOUNTS.

**No. 145.**—In exercise of the powers conferred by section 280 of the Cantonments Act, 1924 (II of 1924), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Cantonment Account Code, 1924, the same having been previously published as required by sub-section (1) of the said section, namely :—

1. After rule 25 of the said Code the following rule shall be inserted, namely :—

"25-A. The accounts pertaining to the recovery of water charges under section 234 of the Act, shall be kept in forms Nos. Cant. 31-B. and Cant. 32-B."

Accounts of water taxes, etc.

2. In Schedule II to the said Code (*a*) in the list of forms after the words, figures letter "Form Cant. 30-B.-Stamp Account" the following shall be inserted, namely :—

"Form Cant. 31-B. Water $\frac{\text{Tax}}{\text{Rate}}$ Demand and Collection Register.

Form Cant. 32-B.—Statement showing monthly figures of realisations and collections and audit charges, etc."

(b) After Form No. Cant. 30-B the following forms shall be inserted, namely :—

Form No. Cantonment 31-B. [See Rule 25-A.] *Water $\frac{Tax}{Rate}$ Demand and*

Description and Rate of Tax........................

Year ending..............................................

| Serial No. | Name and address of the consumer. | House or Bungalow No. | Reference to item No. of the assessment list or Demand Statement of M. E. S. or P. W. D. | DEMAND. Nature of demand. | Arrears of previous years (to be shown in red). | April. | May. | June. | July. | August. | September. | October. | November. | December. | January. | February. | March. | Total demand. | Initial of Tax Moharrir. | April. Receipt No. and date. | April. Amount. | May. Receipt No. and date. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| | | | | | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | | | Rs. A. | |
| 1 | Mr. A. | 40, B. Road | 1 | Water $\frac{Rate}{Tax}$ ... | 10 0 | 2 0 | 2 0 | 2 0 | 2 0 | 2 0 | 2 0 | 2 0 | 2 0 | 2 0 | 2 0 | 2 0 | 2 0 | 34 0 | X. Y. | 35/765 4th | 10 0 | ... |
| | | | | Meter Rent ... | 5 0 | 0 8 | 0 8 | 0 8 | 0 8 | 0 8 | 0 8 | 0 8 | 0 8 | 0 8 | 0 8 | 0 8 | 0 8 | 11 0 | ,, | ,, | 5 0 | – |
| | | | | Excess Water charges | 5 0 | 3 0 | ... | ... | ... | 2 0 | 1 0 | ... | ... | 1 0 | 3 0 | 3 0 | ... | 18 0 | ,, | ,, | 5 0 | - |
| | | | | Other charges ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 2 | Mr. B. | 53, Z. Road | 10 | Water $\frac{Rate}{Tax}$ ... | ... | ... | ... | 4 0 | ... | ... | 4 0 | ... | ... | 4 0 | ... | ... | 4 0 | 16 0 | ,, | ... | ... | ... |
| | | | | Meter Rent ... | ... | ... | ... | 0 8 | ... | ... | 0 8 | ... | ... | 0 8 | ... | ... | 0 8 | 2 0 | ,, | ... | ... | ... |
| | | | | Excess Water charges | ... | ... | ... | 1 0 | ... | ... | ... | ... | ... | 1 0 | ... | ... | ... | 2 0 | ,, | ... | ... | ... |
| | | | | Other charges ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 3 | Mr. C. | 5, X Road | 20 | Water $\frac{Rate}{Tax}$ ... | 6 0 | ... | ... | ... | ... | ... | 6 0 | ... | ... | ... | ... | ... | 6 0 | 18 0 | ,, | ... | ... | ... |
| | | | | Meter Rent ... | ... | ... | ... | 0 8 | ... | ... | 0 8 | ... | ... | 0 8 | ... | ... | 0 8 | 2 0 | ,, | ... | ... | ... |
| | | | | Excess Water charges | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| | | | | Other charges ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |

Specimen entries to suit Cantonments in wh

Specimen entries to suit Cantonments in wh

*Collection Register.*

| COLLECTIONS. Year. June. Receipt No. and date. | June. Amount. | July. Receipt No. and date. | July. Amount. | August. Receipt No. and date. | August. Amount. | September. Receipt No. and date. | September. Amount. | October. Receipt No. and date. | October. Amount. | November. Receipt No. and date. | November. Amount. | December. Receipt No. and date. | December. Amount. | January. Receipt No. and date. | January. Amount. | February. Receipt No. and date. | February. Amount. | March. Receipt No. and date. | March. Amount. | Total Collections. | REMISSIONS. No. and date and authority for order. | REMISSIONS. Amount remitted. | Balance at the close of the year. | Initial of the Moharrir. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 |
| | Rs. A. | | Rs. A. | | Rs. A. | | Rs. A. | | Rs. A. | | Rs. A. | | Rs. A. | | Rs. A. | | Rs. A. | | Rs. A. | Rs. A. | | Rs. A. | Rs. A. | | |
| ... | ... | 40/518 30th | 2 0 | 19/519 5th | 4 0 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1/915 28th | 10 0 | 26 0 | ... | ... | 8 0 | X. Y. | |
| ... | ... | " | 0 8 | " | 1 0 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | " | 4 0 | 10 8 | Resin. No. 15/30 March. | 0 8 | ... | " | |
| ... | ... | " | 3 0 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | " | 4 0 | 12 0 | " | 14 0 | 2 0 | " | |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| the Water Rate Demands are raised quarterly. | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8/323 3rd | 4 0 | ... | ... | ... | ... | ... | ... | 8/340 6th | 4 0 | ... | ... | ... | ... | ... | ... | ... | ... | .. | ... | 8 0 | .. | ... | 8 0 | " | |
| " | 0 8 | ... | ... | ... | ... | ... | ... | " | 0 8 | ... | ... | ... | ... | ... | ... | ... | ... | .. | ... | 1 0 | ... | ... | 1 0 | " | |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 5/999 | 2 0 | ... | ... | 2 0 | ... | ... | ... | " | |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| the Water Rate is collected half-yearly and meter rent quarterly. | | | | | | | | | | | | | | | | | | | | | | | | | |
| ... | ... | ... | ... | ... | ... | ... | .. | 8/870 7th | 6 0 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 6 0 | ... | ... | 12 0 | " | |
| ... | ... | 9/931 9th | 1 0 | ... | ... | ... | ... | " | 0 8 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 8 | ... | ... | 0 8 | " | |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |

Form No. Cant. 32-B. [See Rule 25-A.]

*Monthly statement of amounts credited to Government.*

| Name of the month. | Amount realised on account of Water tax. | Amount realised on account of Water rate. | Amount realised on account of Total. | Deductions. Collection charges. | Deductions. Audit charges. | Deductions. Total. | Balance due to Government. | Date of credit into treasury. | Initials of Tax Superintendent. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| April .. .. .. | | | | | | | | | | |
| May .. .. .. | | | | | | | | | | |
| June .. .. .. | | | | | | | | | | |
| July ... ... .. | | | | | | | | | | |
| August .. .. .. | | | | | | | | | | |
| September .. .. .. | | | | | | | | | | |
| October .. .. .. | | | | | | | | | | |
| November .. .. .. | | | | | | | | | | |
| December .. .. .. | | | | | | | | | | |
| January .. .. .. | | | | | | | | | | |
| February .. .. .. | | | | | | | | | | |
| March .. .. .. | | | | | | | | | | |

JUDICIAL.

**No. 146.**—In exercise of the powers conferred by sub-section (2) of section 132 of the Army Act (44 and 45 Vict. C. 58) and by sub-section (2) of section 132 of the Air Force Act, the Governor-General is pleased to direct that the following further amendments shall be made in the rules for Military and Air Force Prisons and Detention Barracks in India, published with the notification of the Government of India in the Army Department No. 414, dated the 9th August 1930, namely :—

(1) In rule 143 of the said rules, for the words " or Good Friday ", the words " Good Friday, or the Sabbath in the case of a Jew " shall be substituted.

(2) For rule 206 of the said rules and the NOTE appended thereto, the following shall be substituted, namely :—

" 206. The Officer Commanding or the visiting officer shall examine any person touching such offences, and may punish the offender by :—

(a) close confinement for a period not exceeding three days, together with Diet Scale C, *vide* Appendix V, for a period not exceeding three days ;

(b) reduction to scale B diet, *vide* Appendix V, for a period not exceeding 14 days ;

(c) reduction from the higher stage to the lower stage, or postponement of promotion to the higher stage for a period not exceeding fourteen days ;

(d) forfeiture of remission of sentence for a period not exceeding fourteen days.

*Note.*—A single award of punishment may include any combination of (a), (c) and (d) or (b), (c) and (d). Whenever a soldier in the higher stage is awarded punishment diet under (a) he shall also, whether or not a punishment under (c) is added, be awarded reduction to the lower stage under (c) for a period not less than the period of punishment diet. "

(3) For sub-rule (3) of rule 207 of the said rules and the NOTE appended thereto the following shall be substituted, namely :—

" (3) The Board shall have power to punish such offender as follows, namely :—

(a) by reduction to scale C diet, *vide* Appendix V, with or without close confinement for any period not exceeding fourteen days ; but where this punishment diet is continued beyond three days, the ordinary scale of diet shall be given on the fourth day and every alternate day thereafter. This period shall be included in, and shall not be in excess of, the term of sentence ; provided that. when a soldier under sentence is admitted to hospital while undergoing punishment on bread and water diet, or such diet is stopped under medical advice, the soldier shall not be again put on this reduced diet to complete the original term for which the punishment was ordered ;

(b) forfeiture of remission of sentence for a period not exceeding twenty-eight days.

*Note.*—Whenever a soldier under sentence in the higher stage is sentenced to Diet Scale C, *vide* Appendix V, he should also be reduced to the lower stage for the period of Diet Scale C awarded. "

(4) After rule 207 of the said rules, the following rule shall be inserted, namely :—

" 207 A. (1) A soldier under sentence of " Bread and Water " Diet will not attend parades nor be given any task of work during the whole period of award.

(2) A soldier under sentence of close confinement will be kept in confinement in a special room. "

(5) In clause (9) of rule 213 of the said rules, for sub-clause (h), the following sub-clause shall be substituted, namely :—

" (h) Be allowed to receive and write a letter and receive a visit of twenty minutes' duration from a friend at intervals of fourteen days. Under special circumstances, however, the Superintendent will use his own discretion in regard to these privileges. "

(6) In rule 214 of the said rules, the words " His work shall be performed, if possible, in strict separation whilst in the first stage " shall be omitted.

(7) In Appendix V to the said rules, for the heading " B.—*For soldiers undergoing sentences not exceeding 14 days* " the following shall be substituted, namely ;—

" B.—*For soldiers undergoing sentences not exceeding 14 days and for soldiers serving sentences of over 14 days who are awarded a reduction in diet under Rule 206 (b).* "

**No. 147.**—In exercise of the powers conferred by section 13 of the Indian Territorial Force Act, 1920 (XLVIII of 1920), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Indian Territorial Force

Rules, 1921, the same having been previously published as required by sub-section (1) of the said section, namely :—

To the entries in the table set forth in sub-rule (1) of rule 12 of the said Rules the following entries shall be added, namely :—

| | | |
|---|---|---|
| " Sub-rule (3) of rule 11. | The Governor-General in Council. | The Commanding Officer. " |

G. R. F. TOTTENHAM,
Secretary to the Government of India.

FROM THE " GAZETTE OF INDIA " NEW DELHI, SATURDAY, MARCH 18, 1933.

## HOME DEPARTMENT.

### NOTIFICATIONS.

ESTABLISHMENTS.

New Delhi, the 16th March 1933.

**No. F.-224/33.**—The services of Sir Herbert Emerson, K.C.S.I., C.I.E., C.B.E., of the Indian Civil Service, are replaced at the disposal of the Government of the Punjab with effect from the 1st March 1933.

M. G. HALLETT,
Secretary to the Government of India.

JUDICIAL.

The 16th March 1933.

**No. F.-207/33.**—In pursuance of proviso (i) to sub-section (2) of section 101 of the Government of India Act, the Governor-General in Council is pleased to appoint the Honourable Mr. Justice F. W. Skemp, I.C.S., to act as an Additional Judge of the High Court of Judicature at Lahore for a further period of one year with effect from the 1st April 1933.

**No. F.-207/I/33.**—In pursuance of sub-section (6) of section 12 of the Sikh Gurdwaras Act, 1925 (Punjab Act VIII of 1925), the Governor-General in Council is pleased to appoint the Honourable Mr. Justice F. W. Skemp, I.C.S., an Additional Judge of the High Court of Judicature at Lahore, to be the President of the Sikh Gurdwaras Tribunal constituted under sub-section (1) of that section, for a further period of one year with effect from the 1st April 1933.

C. W. GWYNNE,
Joint Secretary to the Government of India.

INDIAN POLICE MEDAL.

The 14th March 1933.

**No. F.-114/II/33-Police.**—His Excellency the Viceroy and Governor-General of India has been pleased to confer the Indian Police Medal on the following officers :—

| Name of officer and rank. | Statement of services for which the decoration has been conferred. |
|---|---|
| * * * | * * * |
| PUNJAB. | |
| 2. Tora Khan, Constable | On the 13th November 1932, one Raj Singh murdered Nath Jogi by slashing him to bits with his Kirpan. Raj Singh than ran amok and tried to enter the local Gurdwara but the Manager closed the door upon him. He proceeded to strike at all who came near him and a party of police, which rushed to the spot, was also attacked. Constable Tora Khan, however, without any hesitation closed with the murderer and in the struggle which followed both fell over a bank into some water below. The constable received some injuries but bravely hung on to his man and succeeded in overpowering him. |
| * * * | * * * |

M. G. HALLETT,
Secretary to the Government of India.

*N. B.*—These awards are made for gallantry under regulation *d* (*i*) of the regulations governing the grant of the Indian Police Medal and consequently carry with them the special allowances for officers of and below the rank of Inspector of Police.

PUBLIC.

The 15th March 1933.

**No F.-49-3/13.**—It is hereby notified for general information that the Governor General in Council has been pleased to determine that the Controller of Emigrant Labour, Assam, shall take rank in article 40 of the Warrant of Precedence for India.

C. W. GWYNNE,

Joint Secretary to the Government of India,

## FINANCE DEPARTMENT.

NOTIFICATION.

New Delhi, the 15th March 1933.

**No. F.-19-XIII-Ex-I/32.**—The following Resolution by the Secretary of State in Council is published for general information with reference to the Rules published with the Notification of the Government of India in the Finance Department, No. D. 1948 A, dated the 19th August 1926:—

In exercise of the powers conferred by section 96 D (1) of the Government of India Act, the Secretary of State, with the concurrence of a majority of votes at a meeting of the Council of India held this 24th day of January, 1933, hereby makes the following amendments to the Auditor-General's Rules, namely :—

In clause (*i*) of rule 28 of the said Rules, after the word "transfer" the word "censure" and after the words "increments of pay" the words "recover from his pay the whole or part of any pecuniary loss caused by him to Government by negligence or breach of orders" shall be inserted.

J. B. TAYLOR,

Offg. Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.

INCOME-TAX.

New Delhi, the 18th March 1933.

**No. 10.**—Mr. W. R. Pearce, Commissioner of Income-tax, Punjab, North-West Frontier and Delhi Provinces, has been granted leave on average pay for 8 months with effect from the afternoon of the 13th March 1933.

In pursuance of sub-section (3) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Governor-General in Council is pleased to appoint Rai Bahadur Mangat Rai to officiate as Commissioner of Income-tax, Punjab North-West Frontier and Delhi Provinces, with effect from the afternoon of the 13th March 1933.

J. B. VACHHA,

Joint Secretary to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATIONS.

MERCHANT SHIPPING.

New Delhi, the 18th March 1933.

**No. 58-M. I. (2)/31.**—In exercise of the powers conferred by sub-section (1) of section 191 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the rules published with the notification of the Government of India in the late Finance and Commerce Department, No. 1354, dated the 14th March, 1879, the same, having been previously published as required by sub-section (3) of the said section namely :—

For Schedules A, B and C and the Appendix to the said rules the following Schedules and Appendix shall be substituted, namely :—

"SCHEDULE A."

[See Rule II (1) (*a*) and (*b*).]

Medicines and surgical appliances necessary for a ship carrying 100 or more persons (including crew and passengers) on a "long voyage" and for a ship on a "short voyage" licensed for 800 or more passengers and having on board a Surgeon.

## Weight and measures of the British Pharmacopœia.

| Names of Medicines. | Scale for 100 persons | |
|---|---|---|
| Acidum, acetic .. .. | 2 oz. | *Miscellaneous articles for one hundred persons.* |
| „ acetyl—salicylicum .. | 100 tablets of 5 grs | |
| „ boricum .. .. | 4 oz. | Fresh vaccine (anti-smallpox). Sufficient for 75 persons. |
| „ carbolicum (cryst.) .. | 1 „ | Fresh vaccine (anti cholera). 150 cc. |
| „ nitro-hydrochloricum dilutum | 1 „ | *Note.*—This is to be given in two doses of ½ and 1 cc respectively, *i.e.*, 1½ cc., in all, per person. It should be kept in cold storage on board and used when required and should be discarded in accordance with the date of expiry on the phials under orders of the Port Health Officer. |
| „ picricum .. .. | ½ „ | |
| „ sulphuricum dilutum .. | 1 „ | |
| „ tannic .. .. | ½ „ | |
| | | Unless it can be shown that all persons on board have been protected by inoculation just prior to embark tion, 1½ cc. for each person on board should be carried. |
| | | for short voyages 100 cc. of fresh cholera vaccine instead of 150 cc. may be carried. |
| Ammonii carbonas .. .. | 2 „ | Fresh vaccine (anti-plague). 150 cc.* |
| „ chloride .. .. | ½ „ | *Note.*—This is usually given in doses similar to anti-cholera vaccine but it may be given in one single dose of 1 cc.* The vaccine should be carried under conditions similar to those in regard to cholera vaccine and discarded in a similar way under orders of the Port Health Officer. |
| Argenti nitras .. .. | ½ „ (in points or sticks). | |
| Bismuth subnitrate or carbonate .. | 2 „ | |
| Borax .. .. | ½ „ | |
| Calcii hydras (for lime water) .. | 2 „ | 30 cc *instead of 150 cc may be carried in the case of ships which have been deratised within six months. |
| Calomel .. .. | ¼ „ | |
| Camphora .. .. | ½ oz. | Adhesive plaster 1" wide .. 1 reel of 5 yards. |
| Capaiba .. .. | 1 „ | Calico .. 2 yards. |
| Carron oil .. .. | 1 pint | Flannel .. 2 yards. |
| Cocaine hydrochlor, 0'5 per cent in Ol. ricin with hydrarg-perchlor 0·33%. | ⅛ oz. | Lint .. 4 yards. |
| Creosotum .. .. | ¼ „ | Bandages (roller) .. ½ dozen. |
| Digitalin, gr. 1/100 .. .. | ½ tube of 25 tablets. | |
| Emetine hydrochloride, gr. ½ .. | 2 tubes of 25 tablets. | Paper for powders, etc. .. 1 quire. |
| Extract gentian .. .. | ½ oz. | Corks for bottles 1 dozen. |
| Glycerinum .. .. | 2 „ | Cotton wool (country) .. 1 lb. |
| Gum acacia .. .. | ½ „ | Bed-pan (metal) .. 1 |
| Hydragyrum cum creta .. .. | ½ „ | Antiseptic gauze .. 1 yard. |
| Hypodermic tablets of morphine, gr. 1/6 | ½ tube of 25 tablets. | *Note.*—The preparations of ammonia ether, chloroform iodine, and all acids should be in well stoppered bottles. |
| Linimentum camphoræ compositum .. | 2 oz. | All the drugs, etc., must be properly labelled with the quantities marked on each label. |
| Lini farina .. .. .. | 2 lbs. in cases. | |
| Liquid Extract of Ergot .. .. | ½ oz. | "Poisons" should be especially distinguished by lables with the word "Poison" on them. |

*These quantities apply to Lister Institute anti plague vaccine. For Haffkine Institute, Bombay, Vaccine the quantities should be trebled.

Weight and measures of the British Pharmacopœia—*contd.*

| Names of Medicines. | Scale for 100 persons. |
|---|---|
| Liquor ammoniæ .. .. | 1 oz. |
| „ ammonii acetatis .. .. | 6 „ |
| „ arsenicalis .. .. | $\frac{1}{4}$ „ |
| „ atropinæ Sulphatis.. .. | $\frac{1}{8}$ „ |
| „ calcis .. .. .. | 1 pint, |
| „ epispasticus fortior .. | $\frac{1}{4}$ oz. |
| „ hydrarg-perchlor .. .. | 1 „ |
| „ morphinœ hydrochloratis .. | $\frac{1}{2}$ „ |
| „ plumbi subacetatis fortis .. | 2 „ |
| „ strychninœ hydrochlor .. | $\frac{1}{2}$ „ |
| Chrysarobinum .. .. | $\frac{1}{4}$ „ |
| Magnesi carbonas .. .. | $\frac{1}{4}$ „ |
| „ sulphas, in tins .. | 3 lb. |
| Methylated spirit .. .. | 1 pint. |
| Oleum caryophilli .. .. | $\frac{1}{4}$ „ |
| „ eucalypti .. .. | $\frac{1}{2}$ „ |
| „ lini .. .. .. | $\frac{1}{2}$ „ |
| „ menthæpi-peritæ .. .. | $\frac{1}{4}$ oz. |
| „ ricini .. .. .. | 2 pints. |
| Phenacetin .. .. .. | $\frac{1}{4}$ oz |
| Pilula (or tablets) colocynthidis et hyos cyami. | 2 dozens. |
| „ „ Plumbi cum opio, B. B. | 4 „ |
| „ „ scillæ composita .. | 4 „ |
| Potassii bromidum .. .. | 1 oz. |
| „ chloras .. .. | 1 „ |
| „ citras .. .. | 3 „ |
| „ iodine .. .. | $\frac{1}{2}$ oz |
| „ nitras .. .. | 3 „ |
| „ permanganas .. .. | 2 „ |
| Protargol or Argyrol (10% solution) .. | $\frac{1}{2}$ „ |
| Pulvis ipecacuanhæ, 5-gr. powders (or tablets) | 1 doz. |
| Pulvi ipecacuanhæ compositus, in 5-gr. powders (or tablets). | 4 dozs. |
| Pulvis jalapæ-compositus .. | 1 oz. |
| Quininæ sulphas, in 5 gr. pills .. | 12 dozs. |
| „ „ in bulk .. | 2 oz. |
| Salol .. .. .. | $\frac{1}{2}$ „ |
| Santonin .. .. .. | $\frac{1}{16}$ „ |
| Sinapis (in powder) .. .. | 4 „ |
| Sodii bicarbonas .. .. | 2 „ |
| „ salicylas .. .. | $\frac{1}{2}$ „ |
| Spiritus ætheris nitrosi .. .. | 2 „ |
| „ ammoniaromat .. .. | 1 „ |
| „ rectificatus .. .. | 4 „ |

*Anæsthetics.*

Boracaine in tubes, 2 tubes of 25 tablets each for each ship.

Chloroformum .. 6 oz. (in 2 oz ampules)

*Note.*—Chloroform should be in blue glass or covered from light by dark paper.

*Disinfectants for each ship.*

Sulphur .. .. 32 lbs.

Phenol or other disinfectants of quality approved by the Governor-General in Council. 20 gals.

*Note.*—For conditions of approval and list of approved disinfectants, *see* Appendix.

Bleaching powder (packed in jars)—20 lbs.

Waterproof sheets .. 6

*Instruments for each ship.*

| | |
|---|---|
| Boxes, chip for ointment (1 oz. each) | 18 |
| Dispensing bottles assorted .. | 12 |
| Glass measures, 2 oz. .. | 2 |
| „ „ 2 drachms .. | 2 |
| Pestle and mortar (wedgwood).. | 2 |
| Scales and weights (grains) .. | 1 |
| Spare weights (grains) .. | 1 set. |
| Splints (common) .. .. | 1 „ |
| Metal catheter (No. 8 size) .. | 1 |
| India rubber catheters. Nos. 2, 4, 6 and 10. | 1 set. |
| Spatula .. .. .. | 1 |
| Scissors (shop) .. .. | 1 |
| Penknife .. .. | 1 |
| Syringe, ear, metal .. .. | 1 |
| „ enema patent .. | 1 |
| „ urethral (male) .. | 1 |
| „ „ (female) .. | 1 |
| Nozzles. urethral shielded pattern | 2 |
| Douchecan (1 quart with 6 ft. India rubber tubing and pinch-cock) .. .. .. | 1 |
| Pocket dressing case to contain 1 probe, 1 director, 1 female catheter, 1 clinical thermometer (in case), 1 pair of scissors, 1 dressing forceps (plated), 6 suture* needles, 1 artery forceps, 1 Syme's abscess knife 1 straight and 1 curved bistoury in 1 handle, 1 lancet (bleeding), silk thread for sutures (20 grains. | |
| Steriliser for surgical instruments, small .. .. | 1 |
| Hypodermic syringe 20 minim or 2cc. | 1 |
| Hypodermic needles (spare)* .. | 6 |

*Suture and hypodermic needles to be kept in vaseline or well greased, and needles to be fitted with stilettes when not in use.

Weight and measures of the British Pharmacopœia—*contd.*

| Names of Medicines. | Sacale for 100 persons. | | |
|---|---|---|---|
| Strychninæ hydrochloride, gr. 1/100 | ½ tube of 25 tablets | Tooth forceps .— | |
| Tinctura benzoinæ-co .. .. | ½ oz. | Upper incisors .. .. | 1 |
| ,, camphoræ .. | 1 ,, | Lower incisors .. .. | 1 |
| ,, cinchonæ-co .. | ½ ,, | ,, molar .. | 1 |
| ,, digitalis .. .. | ½ ,, | Upper ,, right .. | 1 |
| ,, ferriperchloridi .. | 1 ,, | ,, ,, left .. | 1 |
| ,, hyoscyami .. | ½ ,, | Clinical thermometer (in addition to the one already supplied in pocket dressing case) .. | 1 |
| ,, iodi .. .. | 2 ,, | | |
| ,, chloroformiet morphinæ composita. | 2 ,, | Artery forceps (in addition to the one already supplied in pocket dressing case) .. | 3 |
| ,, nucis vomicæ .. | 1 ,, | | |
| ,, opii .. .. | 1 ,, | Eye cup .. .. | 1 |
| ,, quininæ ammon .. | 1 ,, | Eye-spud .. .. | 1 |
| ,, senegæ .. .. | 1 ,, | Enamelled bowl .. .. | 1 |
| ,, zingiberis .. .. | 1 ,, | ,, tray (round) .. | 1 |
| Tragacantha powder .. .. | 1 ,, | ,, ,, (kidney shaped) .. | 1 |
| Ungunentum hydrag ammoniatum .. | ½ ,, | Ice bag .. .. .. | 1 |
| ,, hydrargyri .. .. | ½ ,, | Transfusion apparatus for intravenous saline and a sufficient supply of Hypertonic saline in tablet form .. .. .. | 1 |
| ,, simplex .. .. | 2 ,, | | |
| ,, sulphuris .. .. | 2 ,, | | |
| ,, zinci .. .. | 1 ,, | Stretcher (an efficient carrying stretcher of approved type, ' Navla ' by preference) .. | 1 |
| Urotropine .. .. | ¼ ,, | Esmarch's tourniquet .. | 1 |
| Vaseline .. .. .. | 2 ,, | | |
| Vinegar .. .. .. | ½ pint. | | |
| Vinum antimoniale .. .. | ½ oz. | | |
| ,, ipecacuanhæ .. .. | 1 ,, | | |

***Table showing the quantities of medicines, etc., to be supplied according to the above scale for more than 100 persons.***

| *Number of persons.* | *Quantity.* | |
|---|---|---|
| From 101 to 250 persons .. .. .. | 1½ times | the quantity prescribed for 100 persons. |
| ,, 251 to 400 ,, .. .. .. | Twice | |
| ,, 401 to 550 ,, .. .. .. | Thrice | |
| ,, 551 to 750 ,, .. .. .. | Four times | |
| ,, 751 to 950 ,, .. .. .. | Five times | |
| ,, 951 to 1,150 .. .. .. | Six times | |
| ,, 1,151 to 1,350 ,, .. .. | Seven times | |
| ,, 1,351 to 1,550 ,, .. .. | Eight times | |
| ,, 1,551 to 1,750 ,, .. .. | Nine times | |
| ,, 1,751 to 1,950 .. .. .. | Ten times | |
| ,, 1,951 to 2,150 ,, .. .. | Eleven times | |
| ,, 2,151 to 2,350 ,, .. .. | Twelve times | |

and so on.

For short voyages within home-trade limits excluding short voyages between Madras ports and the Straits Settlements the scale will be 50 per cent. of that shown in Schedule A for medicines and miscellaneous articles but no reduction will be made for vaccines, anæsthetics, disinfectants and surgical instruments. The multiplication scale at the end of Schedule A will be unaltered for these voyages.

## SCHEDULE B.

[See Rule II (1) (*d*).]

Medicines and surgical appliances necessary for a ship on a "short voyage" carrying less than 800 passengers, or carrying 800 or more passengers but not having a Surgeon on board, and for a ship carrying less than one hundred persons on a "long voyage," or carrying one hundred or more persons on a "long voyage" but not having a Surgeon on board.

| Preparations from British Pharmacopœia, 1898. | Names of Medicines, Medicaments, etc. | Proportion for ships irrespective of the number of persons carried. |
|---|---|---|
| 1 | 2 | 3 |
| This column is added for the use of Druggists supplying the medicines indicated. All bottles to be stoppered and labelled, and the official dose for and adult to be stated on the label. All medicines indicated thus (*) to be marked with a Red Poison Label. All articles marked with two asterisks (**) should, in addition to the Red Poison Label, be carried in green fluted bottles and labelled for external use only. | | |
| | Acetyl-Salicylic acid .. .. | 100 tablets of 5 grs. |
| Spiritus ammom : aromat .. .. | Aromatic Spirits of Ammonia .. | 2 oz. |
| Tinctura Chloroformiet Morphinæ Composita .. | (*) Compound Tincture of Chloroform and Morphine (to be used in lieu of Chlorodyne). | 1 ,, |
| | Carron oil .. .. .. | 1 pint |
| Oleum Ricini .. .. .. | Castor oil .. .. .. | ½ ,, |
| Acidum Carbolicum Liquifactum (**) .. | Carbolic Acid liquified .. .. | 2 oz. |
| Acidum Picricum .. .. .. | Picric Acid .. .. .. | ½ ,, |
| Tinctura Benzoini Composita .. .. | Friar's Balsam .. .. .. | 2 ,, |
| Liquor Plumbi Subacetatis fortis .. | (**) Goulards' extract .. .. | 2 ,, |
| Tinctura Opii .. .. .. | (*) Laudanum .. .. .. | 2 ,, |
| Linimentum Saponis .. .. | Opodeldoc .. .. .. | 2 ,, |
| Pilula Colocynthidis Composita (4 grs.) .. | Purgative Pills .. .. .. | 3 dozs. |
| Quinine hydrochloride in 5-gr. pills .. | Quinine Pills .. .. .. | 20 ,, |
| Paraffinum Molle .. .. | Vaseline or Soft Paraffin .. .. | 4 oz. |
| One reel 5 yards long and 2 inches wide .. | Self-adhesive plaster .. .. ..<br>Self-adhesive lint .. .. ..<br>Boric lint .. .. ..<br>Absorbent cotton wool .. .. | 1 reel.<br>¼ lb.<br>¼ ,,<br>¼ ,, |
| The fluid 2 oz. measure must be marked in *ounces and drachms table spoonfulls and tea spoonfulls.* | Graduated 2 drachm drop-measure (conical) | 1 |
| | Graduated 2-oz. measure (conical) .. | 1 |
| | 6 oz. bottles with corks .. .. | 6 |
| | 1 oz. bottles with corks .. .. | 6 |
| | Mustard leaves in tin .. .. .. | 1 doz. |
| | Scissors .. .. .. .. | 1 pair. |
| | Lancet .. .. .. .. | 1 |
| | Clinical Thermometers, self-registering .. | 2 |

| Preparations from British Pharmacopœia, 1898 | (1) Names of medicines, Medicaments, etc. | Proportion for ships irrespective of the number of persons carried. |
|---|---|---|
| 1 | 2 | 3 |
| Base 48-in., sides 32 in. .. .. .. | Triangular bandages .. .. .. | 2 |
| Leg and Arm Side .. .. .. | Bandages .. .. .. .. | 12 |
| | Finger bandages .. .. .. | 6 |
| | Calico .. .. .. .. | 2 yards. |
| | Splints common .. .. .. | 1 set. |
| | Esmarch's Tourniquet .. .. .. | 1 |
| | Needles in Vaseline .. .. .. | 6 |
| | Safety pins .. .. .. .. | 2 doz. |
| | Tablet of silk with four sizes .. .. | 1 |
| Printed directions for use .. .. | Enema Syringe (Higginson's) .. .. | 1 |
| 36-in., single reversible .. .. .. | Truss .. .. .. .. | 1 |
| 36 in., double .. .. .. | Do. .. .. .. .. | 1 |
| | Authorised book of Directions for Medicine Chest (The "Ship Captain's Medical Guide," latest edition). | |
| Cyllin (Medical) with directions .. .. | .. | 1 lb. |
| Epsom Salts with directions .. .. | .. | 3 lbs. |
| Scale and Weights with directions .. .. | .. | 1 set. |
| Compound Jalap Powder with directions .. | .. | 8 oz. |
| Sulphur Ointment with directions .. .. | .. | 8 „ |
| Ringworm ointment .. .. .. | .. | 8 „ |
| Linseed flour .. .. .. .. | .. | 2 lbs. |
| Commercial carbolic or other disinfectant of approved quality. | .. | 1 gallon. |
| Silver catheter .. .. .. .. | .. .. .. | 1 |
| Sago .. .. .. .. .. | .. | 6 lbs. |
| Arrowroot .. .. .. .. | .. | 10 „ |
| Anty phlogistine .. .. .. .. | .. | ½ doz. tins. |
| Sol. cocaine hydrochlor. 0·5 per cent. in ol. ricin with hydperchlor, 0·33 per cent. | (2) Eye drops. .. .. .. | ½ oz. |
| Soft India rubber catheters .. | .. | 1 set of 4 sizes. 2, 4, 6 & 10. |

(1) All medicines bearing a Red poison Lebal must be used with caution and if given internally should be carefully measured.

(2) "Factory eye drops" as prescribed by the Home Office. The bottle must have a label attached containing the following instructions for the use of the eye drops :—

"(1) With the aid of the dropper put two drops into the eye, (2) Wait five minutes, (3) Put two more drop into the eye, (4) Wait five minutes, (5) Put in two more drops. The eye should then be ready, care must be taken that the intsrument used is perfectly clean. After the removal of the foreign body, bandage the eye for six hours.

NOTE.—The preparations of ammonia, æther, chloroform, iodine, and all acids should be in well stoppered bottles.

Chloroform should be in blue glass or covered from light by dark paper.

All the drugs. etc., must be properly labelled with the quantities marked on each label.

"Poisons" should be specially distinguished by labels with the word "Poison" on them.

## SCHEDULE C.

[See Rule II (1) (*e*).]

Medicines and surgical appliances necessary for a ship below 1,000 registered tons burden on a "short voyage" and not more than 24 hours from port to port, irrespective of the number of crew and passengers.

| Preparations from British Pharmacopœia, 1914. | Names of Medicines, Medicaments, etc. | Proportion for ships. |
|---|---|---|
| 1 | 2 | 3 |
| This column is added for the use of Druggists supplying the medicines indicated.<br>All bottles to be stoppered and labelled, and the official dose for an adult to be stated on the label.<br>All medicines marked thus (*) to be marked with a Red Poison Label. | | |
| Spiritus ammon : aromat .. | Aromatic Spirits of Ammonia .. | 1 oz. |
| Tinctura Chloroformi et Morphinæ Composita | (*) Compound Tincture of Chloroform and Morphine (to be used in lieu of Chlorodyne.) | 1 „ |
| | Carron oil .. .. .. | 1 pint. |
| Oleum Ricini .. .. .. | Castor oil .. .. | ½ „ |
| Tinctura Benzoini Composita .. | Friar's Balsam .. .. .. | 2 oz. |
| Tinctura Iodi .. .. .. | Tincture of Iodine .. | 2 „ |
| Paraffinum Molle .. .. .. | Vaseline or Soft Paraffin .. .. | 2 „ |
| Quinine hydrochloride or sulphate in 5 grain tablets. | Hydrochloride or Sulphate of Quinine .. | 1 „ |
| | Sol-Cocaine hydrochlor 0·5 per cent. in ol. ricini with hydrarg perchlor 0·33 per cent. | 8 „ |
| One reel 5 yards long and one inch wide .. | Self-adhesive plaster .. .. | 1 reel. |
| | Boric lint .. .. .. | ½ lb. |
| | Absorbent cotton wool .. .. | ½ „ |
| | Graduated 2-drachm drop measure (conical). | 1 |
| | Scissors .. .. .. | 1 pair. |
| | Clinical Thermometer self-registering .. | 1 |
| | Triangular bandage, base 48-in., sides 32-in. | 1 |
| | Bandages (roller) .. .. | 6 |
| | Calico .. .. .. | 1 yard. |
| | Splints common .. .. .. | 1 set. |
| | Esmarch's Tourniquet .. .. | 1 |
| | Safety pins .. .. .. | 1 doz. |
| | Authorised book of Directions for Medicine Chest. (The "Ship Captain's Medical Guide" latest edition). | 1 copy |
| | Phenol (or other disinfectant of approved quality). | 1 gall. |
| | Catheter, rubber, No. 8 .. .. | 1 |

## APPENDIX.

### CONDITIONS OF APPROVAL AND INSTRUCTIONS FOR DRAWING AND SENDING SAMPLES OF DISINFECTANTS AND LIST OF APPROVED BRANDS.

*Instructions for drawing and sending samples of disinfectants.*

1. Disinfectants will be tested chemically and bacteriologically. The chemical test will be carried out at the Government Test House, Alipore, and the bacteriological tests at the Central Research Institute, Kasauli.

Manufacturers desiring the approval of the Governor-General in Council to disinfectants—coal tar or other—for use on board ship should submit applications to the Secretary to the Government of India, Department of Commerce. A true copy of the application, together with samples drawn in accordance with the instructions detailed below, should at the same time be sent to the Superintendent, Government Test House, Alipore, for chemical examination, and another copy, with samples, to the Director, Central Research Institute, Kasauli, for bacteriological examination. A sum of Rs. 48, being the fee charged for testing a sample chemically, should be paid into a Government Treasury in the name of the Audit Officer, Indian Stores Department, for adjustment under the head "XXVI-A—Indian Stores Department". and another sum of Rs. 45, being the fee for bacteriological examination, should be paid for adjustment under the head "XXIII—Public Health, Miscellaneous—Central". The Treasury receipts should be forwarded, respectively, to the Superintendent Government Test House, Alipore, and the Director, Central Research Institute, Kasauli, along with the true copy of the application and the samples. These officers after conducting the examination will submit their reports to the Department of Commerce and that Department will then issue final orders on the applications.

2. Liquid disinfectants should be thoroughly stirred or shaken according to circumstances before samples are drawn therefrom. In the case of solid disinfectants, specimens should be taken from various points and thoroughly mixed, and the samples required for despatch to the Government Test House, Alipore, and the Central Research Institute, Kasauli, should be drawn from the large sample so obtained. The mixing of the specimens should be carried out as expeditiously as possible so as to avoid undue exposure of the material to the atmosphere.

3. Two representative samples of each disinfectant should be drawn simultaneously from the same container, one for despatch to the Government Test House, Alipore, and the other for despatch to the Central Research Institute, Kasauli.

4. In the case of chlorine disinfectants, samples should not be sent to the Central Research Institute, Kasauli. Only one sample, in such a case, should be drawn and sent to the Government Test House, Alipore.

5. If the disinfectant is a liquid, each sample should consist of at least half a gallon of the material. If it is a solid, two-pound samples should be drawn.

6. Samples of liquid disinfectants should be sent in bottles or in tins, and samples of solid disinfectants should be sent in wide-mouthed bottles.

7. Containers of samples should be scrupulously clean. They may be cleaned with water or petrol according to circumstances, but it is essential that the water or petrol should be completely removed by drying the containers before samples are placed in them. Kerosene should not be used for this purpose, as it cannot be completely removed by drying.

8. Bottles containing liquids should be nearly but not completely filled. If they are completely filled, the stoppers may be forced open by the expansion of the liquid.

9. All containers should be properly sealed to prevent leakage, and bottles should be carefully packed to avoid breakage in transit.

10. Samples should be carefully labelled. A label may be tag securely tied to package or may be pasted on. If a label is pasted on a tin, it should go all the way round the tin and overlap; otherwise it will probably fall off. The label should state—

A. Name of material.

B. Name of firm sending sample.

C. Number and date of covering letter under which sample is sent.

11. A sample should not be sent without covering letter. The covering letter should state full details of the sample, *including a statement of the manufacturer's formula of the product sent.*

12. Samples intended for despatch to the Government Test House, Alipore, and the Central Research Institute, Kasauli, should respectively be addressed *exactly* as follows :—

The Superintendent,
Government Test House,
Alipore, Calcutta.

The Director,
Central Research Institute,
Kasauli.

For the former, if sent by rail on the E. I. Railway or the B. N. Railway, parcels should be consigned to Calcutta—Bhowanipore, E. I. Railway or B. N. Railway, as the case may be. If sent by rail on the E. B. Railway these should be consigned to Kalighat, E. B. Railway. For the latter, parcels should be booked to Kasauli Out Agency, N.-W. Railway, and the railway receipt forwarded to the Director, Central Research Institute, Kasauli.

13. The telegraphic addresses of the Superintendent, Government Test House, Alipore and the Director, Central Research Institute, Kasauli, are "Slim", Calcutta, and "Problem", Kasauli, respectively.

*Conditions of approval of disinfectants for ships.*

I. *Phenol or Carbolic Acid and Coal Tar Disinfectants generally.*

Coal tar disinfectants are required to be approved by the Governor-General in Council. The approved disinfectant must have a germicidal value, as determined by the Chick-Martin technique as given by the Lister Institute, of not less than that of pure phenol when tested against B. Typhosus and must be miscible with sea water in the manner described on the containers so as to produce a 5 per cent. emulsion or solution which shall show no appreciable separation after standing for six hours at the temperature of the air. It must not be unduly poisonous to higher animals and should not have any destructive action on wood, leather, linen or metals.

II. *Chlorine* may be carried either in the form of

*(a) Stabilised Chloride of Lime.*

*Chlorine of line must be dry and suitably stabilised yielding not less than 30 per cent. by weight of available chlorine* and must be put up in tins of not more than 10 lbs. per tin, the date of issue by the manufacturer being stamped on each tin. Each tin and contents, whether partly used or not, must be renewed within one year of the date stamped on the tin. Full instructions for the use of the powder for cleansing decks, bulkheads, urinals, lavatory basins, etc., must be given on the label attached to each tin. This material is not to be used for the sterilisation of drinking water, nor for the sterilisation of dejecta, soiled utensils or apparel of persons suffering from a contagious or infectious disease.

If stabilised chloride of lime is carried on board ship the quantity of coal tar disinfectant may be reduced by not more than 50 per cent. and the amount so reduced must be replaced by an equal weight of stabilised chloride of lime. *Solid chloride of lime disinfectants will be tested for strength, stability, lime and water as follows :—*

(1) The chloride of lime must be of approved quality.
(2) It must contain not less than 30 per cent. of available chlorine.
(3) It must contain not less than 4 per cent. of free quick lime (CaO).
(4) The total water existing in all forms, consisting largely, if not entirely, of water in combination in the form of calcium hydroxide, must not exceed 8·5 per cent.
(5) It must be of such stability that after being kept for four weeks in an oven at 140° F ($\pm 2°$) the percentage of available chlorine shall not decrease more than 2½.

or *(b) Stabilised Hypochlorite Solution.*

If a stabilised solution of hypochlorite of soda is preferred to chloride of lime, this preparation may be carried on board in place of chloride of lime, provided the total quantity of available chlorine is the same. The amount of coal tar disinfectant carried may then be reduced by 50 per cent. The conditions and restrictions as to its purpose and use are the same as for chloride of lime. The hypochlorite solution must yield at least 10 per cent. of available chlorine. If the solution should at any time decrease in strength so that the available chlorine falls to less than 8 per cent. it must be replaced as soon as possible. The liquid is to be stored in stoneware jars or other containers, of not less than two gallons nor more than 10 gallons capacity, not liable to cause a diminution of the strength of the solution. The jars must be sealed either with stoneware stoppers or with stoppers which have no appreciable action in diminishing the strength of the solution. Unless it can be shown that the strength of the solution is unaltered, the disinfectant must be renewed at least once a year. The date of sealing the containers and directions for use must be stated on a label adhering firmly to the jar.

*Stabilised hypochlorite solution will be tested for strength and stability.*—The stability of the solution will be tested by maintaining the liquid at 25°C for twenty-eight days when the available chlorine must not have decreased by more than 10 per cent. of the total available chlorine originally present.

*Or (c) In ships in which a sea-water electroliser is installed*, capable of giving an unlimited quantity of sodium hypochlorite solution containing not less than 0·1 per cent. of available chlorine, the quantity of coal tar disinfectant carried may be reduced by not more than 50 per cent. The type of electroliser must be approved by the Governor-General in Council and subject to inspection from time to time. The conditions and restrictions as to the purpose and use of the hypochlorite solution are the same as those for chloride of lime or hypochloride solution in tins.

III. Stabilised chloride of lime put up in ¼ lb. tins is intended to be used for sterilising *drinking water*. Instructions for use will be found on pages 11—13 of the 1929 edition of the Ship Captain's Medical Guide. *The following conditions must be fulfilled before chloride of lime for treatment of drinking water can be approved* :—

(1) The chloride of line must be of approved quality.

(2) It must contain not less than 24 per cent. and not more than 26 per cent. available chlorine.

(3) It must contain not less than 14 per cent. of free quick lime (CaO).

(4) The total water existing in all forms, consisting largely, if not entirely, of the water in combination in the form of calcium hydroxide, must not exceed 7·5 per cent.

(5) It shall be of such stability that after passing four weeks in an ovan kept at 140°F($\pm$2°)the percentage of available chlorine shall not decrease more than 2.

(6) The powder to be put up in ¼lb. tins, the date of issue by the manufacturer to be stamped on the base of each tin.

(7) Each tin and contents (except the measure which may be used again) whether partially used or not, to be renewed within one year following the date stamped on the tin.

(8) Each tin to contain a measure, made of a material resistant to chlorine, to contain 60 grains of the powder, when full, *i.e.*, sufficient to chlorinate approximately 200 gallons of water.

The following disinfectants have been approved by the Governor-General in Council. He may at any time withdraw his approval of any disinfectant that fails to pass the required standard :—

Antifect 18/20.
Bell's Fluid
Burboul.
Carbolic Acid, Calvert's No. 5.
Carbolic Acid, pure, Young and Co.'s No. 3.
Celtyl.
Cofectant.
Crephol.
Cresolution, No. 1 Grade.
Cyllin, Crude, Jeyes'.
Cyllin, Jeyes' Special Fluid.
Daykoline.
D. G. Fluid, No. 1.
Disfectall, No. 2.
Disolite H. C.
Edwards Climax Sanitary Fluid.
Evansol.
Exenol.
Ferry "Extra".
Graesser-Monsanto 25 per cent. Creosote Soluble.
Hycol.
Hygeia.
Hyphenoid.
Ialine Fluid, Special No. 3.
Ialine Fluid, Special No. 5.
Ialine Fluid, Special No. 6.
Ialine Fluid, Special No. 7.
Ialine Fluid, Special No. 8.
Izal.
Izal, Crude.
Jayes' Corporation Fluid.
Kara Fluid.
Kerol.
Kerol Farm.
Kilcrobe.
Kilsol.
Kingston Brand.
Lactar.
Liqour Cresoli Saponatus.
Little's Fluid.
Lysolat or Lysotab.
Lysolid.
Monsol.
M. O. H. Fluid.
Municipal.
Neslab Solid Lysol.
Pacolin, or Disinfectol.
Pharos Coefficient disinfectant fluid.
Pyramid.
Railene.
Sacol (Five Oceans).
Sanitas Okol.
Sanophen A.
Sanophen White.
Seawater disinfectant.
Septol, White.
Smith's Special Carbolated Sanitary Fluid.
Snowdol Fluid.
Standard.
"Vetersol" Wright's.
Vulcun T. P. O.
Wright's Disinfecting Fluid.
Xtol.
Zondo-sal.

**No. 58-M.I. (2)/31.**—In exercise of the powers conferred by section 87 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), and in supersession of the notification of the Government of India in the Department of Commerce No. 58-M.I.(2)/29, dated the 1st March 1930, the Governor-General in Council is pleased to issue the following scales of medicines and appliances to be carried on board all foreign-going British ships and home-trade ships of more than three hundred tons burden, other than native passenger ships and ships navigating between the United Kingdom and any port in British India to which section 200 of the Merchant Shipping Act, 1894, applies, namely :—

SCALE A.

Medicines and surgical appliances necessary for—

(1) Foreign-going British ships carrying a surgeon and having 100 or more persons on board.

(2) Home-trade ships of more than 300 tons carrying 100 or more persons on a voyage exceeding five days from port to port and carrying a surgeon on board.

Weight and Measures of the British Pharmacopœia.

| Names of Medicines. | Scale for 100 persons. |
|---|---|
| Acidum, acetic .. .. | 2 oz. |
| „ acetyl—salicylicum .. | 100 tablets of 5 grs. |
| „ boricum .. .. | 4 oz. |
| „ carbolicum (cryst) .. | 1 „ |
| „ nitro-hydrochloricum dilutum | 1 „ |
| „ Picricum .. .. | ½ „ |
| „ sulphuricum dilutum .. | 1 „ |
| „ tannic .. .. | ½ „ |
| Ammonii carbonas .. .. | 2 „ |
| „ chloride .. .. | ½ „ |
| Argentinitras .. .. | ¼ „ (in pointsor sticks). |
| Bismuth subnitrate or carbonate .. | 2 „ |
| Borax .. .. .. | ½ „ |
| Calicoihydras (for lime water) .. | 2 „ |
| Calomel .. .. .. | ¼ „ |
| Camphora .. .. .. | ½ oz. |
| Capaiba .. .. .. | 1 „ |
| Carron oil .. .. .. | 1 pint |
| Cocaine hydrochlor, 0·5 per cent. in Olricin with hydrarg perchlor 0 33%. | ⅛ oz. |
| Creosotum .. .. .. | ¼ „ |
| Digitalin, gr. 1/100 .. .. | ½ tube of 25 tablets. |
| Emetine hydrochloride, gr. ½ .. | 2 tubes of 25 tablets. |
| Extract gentian .. .. | ½ oz. |
| Glycerinum .. .. | 2 „ |
| Gum acacia .. .. | ½ „ |
| Hydragyrum cum creta .. .. | ½ „ |
| Hypodermic tablets of morphine, gr. 1/6. | ½ tube of 25 tablets. |

*Miscellaneous articles for one hundred persons.*

Fresh vaccine (anti-small pox). Sufficient for 75 persons.

Fresh vaccine (anti-cholera). 150 cc.

*Note.*—This is to be given in two doses of ½ and 1 cc. respectively, *i.e.*, 1½ cc. in all, per person. It should be kept in cold storage on board and used when required and should be discarded in accordance with the date of expiry on the phials under orders of the Port Health Officer.

Unless it can be shown that all persons on board have been protected by inoculation just prior to embarkation, 1½ cc. for each person on board should be carried.

for short voyages 100 cc. of fresh cholera vaccine instead of 150 cc. may be carried.

Fresh vaccine (anti-plague). 150 cc*

*Note.*—This is usually given in doses similar to anti-cholera vaccine but it may be given in one single dose of 1 cc.* The vaccine should be carried under conditions similar to those in regard to cholera vaccine and discarded in a similar way under orders of the Port Health Officer.

30 cc.* instead of 150 cc. may be carried in the case of ships which have been deratised within six months.

| | |
|---|---|
| Adhesive plaster 1" wide .. | 1 reel of 5 yards. |
| Calico .. | .. 2 yards. |
| Flannel .. | .. 2 yards. |
| Lint .. | .. 4 yards. |
| Bandages (roller) .. | .. ½ dozen. |
| Paper for powders, etc. | .. 1 quire. |
| Corks for bottles | .. 1 dozen. |
| Cotton wool (country) | .. 1 lb. |
| Bed-pan (metal) | .. 1. |
| Antiseptic gauze | .. 1 yards. |

*Note.*—The prepartions of ammonia ether, chloroform iodine, and all acids should be in well stoppered bottles.

* These quantities apply to Lister Institute anti-plague vaccine. For Haffkine Institute, Bombay, vaccine the quantities should be trebled.

## Weight and measures of the British Pharmacopœia—contd.

| Names of Medicines. | Scale for 100 persons. |
|---|---|
| Linimentum camphoræ compositum .. | 2 oz. |
| Lini farina .. ... .. | 2 lbs. in tin cases. |
| Liquid Extract of Ergot .. | ½ oz. |
| Liquor ammoniæ .. .. | 1 " |
| " ammonii acetatis | 6 " |
| " arsenicalis .. .. | ¼ " |
| " atropinæ sulphatis .. | ⅛ " |
| " calcis .. .. | 1 pint. |
| " epispasticus fortior .. | ½ oz. |
| " hydrarg-perchlor .. | 1 " |
| " morphinæ hydrochloratis .. | ½ " |
| " plumbi subacetatis fortis .. | 2 " |
| " strychninæ hydrochlor .. | ½ " |
| Chrysarobinum .. .. | ½ " |
| Magnesi carbonas .. .. | ½ " |
| " sulphas, in tins .. | 3 lbs. |
| Methylated spirit .. | 1 pint. |
| Oleum caryophilli .. .. | ½ " |
| " eucalypti .. .. | ½ " |
| " lini .. .. | ½ " |
| " menthæpi-peritæ .. | ½ oz. |
| " ricini .. .. .. | 2 pints. |
| Phenacetin .. .. | ⅛ oz. |
| Pilula (or tablets) colocynthidis et hyos cyami. | 2 dozs. |
| " " Plumbicum opio, B. P... | 4 " |
| " scillæ composita .. | 4 " |
| Potassii bromidum .. ... | 1 oz. |
| " chloras .. .. | 1 " |
| " citras .. .. | 3 " |
| " iodine .. .. | ½ oz. |
| " nitras .. .. | 3 " |
| " permanganas .. .. | 2 " |
| Protargol or Argyrol (10% solution,.. | ½ " |
| Pulvis ipecacuanhæ, 5-gr. powders (or tablets). | 1 doz. |
| Pulvis ipecacuanhæ compositus, in 5-gr. powders (or tablets). | 4 dozs. |
| Pulvis jalapæ-compositus .. | 1 oz. |
| Quininæ sulphas, in 5-gr. pills .. | 12 dozs. |
| " " in bulk .. | 2 oz. |
| Salol .. .. .. | ½ " |
| Santonin .. .. .. | 1/16 " |
| Sinapis (in powder) .. .. | 4 " |
| Sodii bicarbonas .. .. | 2 " |

All the drugs, etc., must be properly labelled with the quantities marked on each label.

"Poisons" should be especially distinguished by labels with the word "Poison" on them.

*Anæsthetics.*

Borocaine in tubes .. 2 tubes of 25 tablets each for each ship.

Chloroformum .. 6 oz. (in 2 oz. ampules.)

*Note.*—Chloroform should be in blue glass or covered from light by dark paper.

*Disinfectants for each ship.*

Sulphur .. .. 32 lbs.

Phenol or other disinfectants of quality approved by the Governor-General in Council. 20 gals.

*Note.*—For conditions of approval and list of approved disinfectants, see Appendix.

Bleaching powder (packed in jars)— 20 lbs.

Waterproof sheets .. .. 6

*Instruments for each ship.*

Boxes, chip for ointment (1 oz. each) .. 18
Dispensing bottles assorted .. 12
Glass measures, 2 oz... .. 2
" " 2 drachms .. 2
Pestle and mortar (Wedgwood) .. 2
Scales and weights (grains) .. 1
Spare weights (grains) .. 1 set.
Splints (common) .. 1 "
Metal catheter (No. 8 size) .. 1
India rubber catheters, Nos. 2, 4, 6 and 10 .. 1 set.
Spatula .. .. 1
Scissors (shop) .. 1
Penknife .. .. 1
Syringe, ear, metal .. 1
" enema patent .. 1
" urethral (male) .. 1
" " (female) .. 1
Nozzles, urethral shielded pattern .. 2
Douchecan (1 quart with 6 ft. India rubber tubing and pinchcock) .. 1
Pocket dressing case to contain 1 probe, 1 director, 1 female catheter, 1 clinical thermometer (in case), 1 pair of scissors, 1 dressing forceps (plated), 6 suture* needles, 1 artery forceps, 1 Symes' abscess knife, 1 straight and 1 curved bistoury in 1 handle, 1 lancet (bleeding) silk thread for sutures (20) grains.

*Suture and hypodermic needles to be kept in vaseline or well greased, and needles to be fitted with stilettes when not in use.

Weight and measures of the British Pharmacopœia—*contd.*

| Names of Medicines. | Scale for 100 persons. |
|---|---|
| Sodii salicylas .. .. | ½ oz. |
| Spiritus ætheris nitrosi .. .. | 2 ,, |
| ,, ammon aromat .. .. | 1 ,, |
| ,, rectificatus .. .. | 4 ,, |
| Strychninæ hydrochloride, gr. 1/100 .. | ½ tube of 25 tablets |
| Tinctura benzoinæ-co .. .. | ½ oz. |
| ,, camphoræ-co .. .. | 1 ,, |
| ,, cinchonæ-co .. .. | ½ ,, |
| ,, digitalis .. .. | ½ ,, |
| ,, ferri perchloridi .. .. | 1 ,, |
| ,, hyoscyami .. .. | ½ ,, |
| ,, iodi .. .. | 2 ,, |
| ,, chloroformi et morphinæ composita | 2 ,, |
| ,, nucis vomicæ .. .. | 1 ,, |
| ,, opii .. .. | 1 ,, |
| ,, quninæ ammon .. | 1 ,, |
| ,, senegæ .. .. | 1 ,, |
| ,, zingiberis .. .. | 1 ,, |
| Tragacantha powder .. .. | 1 ,, |
| Unguentum hydrag ammoniatum .. | ½ ,, |
| ,, hydrargyri .. .. | ⅓ ,, |
| ,, simplex .. .. | 2 ,, |
| ,, sulphuris .. .. | 2 ,, |
| ,, zinci .. .. | 1 ,, |
| Urotropine .. .. .. | ¼ ,, |
| Vaseline .. .. .. | 2 ,, |
| Vinegar .. .. .. | ¼ pint. |
| Vinum antimoniale .. .. | ½ oz. |
| ,, ipecacuanhæ .. .. | 1 ,, |

| | |
|---|---|
| Steriliser for surgical instruments, small | 1 |
| Hypodermic syringe, 20 minim or 2cc. | 1 |
| Hypodermic needless (spare)* .. | 6 |
| Tooth forceps :— | |
| Upper insisors .. .. | 1 |
| Lower insisors .. .. | 1 |
| ,, molar .. .. | 1 |
| Upper ,, right .. .. | 1 |
| ,, ,, left .. .. | 1 |
| Clinical thermometer (in addition to the one already supplied in pocket dressing case). | 1 |
| Artery forceps (in addition to the one already supplied in pocket dressing case). | 3 |
| Eye cup .. .. .. | 1 |
| Eye-spud .. .. .. | 1 |
| Enamelled bowl .. .. | 1 |
| ,, tray (round) .. .. | 1 |
| ,, ,, (kidney shaped) .. | 1 |
| Ice bag .. .. | 1 |
| Transfusion apparatus for intravenous Saline and a sufficient supply of Hypertonic saline in tablet form. | 1 |
| Stretcher (an efficient carrying stretcher of approved type, 'Naval' by preference). | 1 |
| Esmarch's tourniquet .. .. | 1 |

*Suture and hypodermic needless to be kept in vaseline or well greased and needles to be fitted with stilettes when not in use.

*Table showing the quantities of medicines, etc., to be supplied according to the above scale for more than 100 persons.*

| *Number of persons.* | *Quantity.* | |
|---|---|---|
| From 101 to 250 persons .. .. .. | 1½ times | the quantity prescribed for 100 persons. |
| ,, 251 to 400 ,, .. .. .. | Twice | |
| ,, 401 to 550 ,, .. .. .. | Thrice | |
| ,, 551 to 750 ,, .. .. .. | Four times | |
| ,, 751 to 950 ,, .. .. .. | Five times | |
| ,, 951 to 1,150 ,, .. .. .. | Six times | |
| ,, 1,151 to 1,350 ,, .. .. .. | Seven times | |
| ,, 1,351 to 1,550 ,, .. .. .. | Eight times | |
| ,, 1,551 to 1,750 ,, .. .. .. | Nine times | |
| ,, 1,751 to 1,950 ,, .. .. .. | Ten times | |
| ,, 1,951 to 2,150 ,, .. .. .. | Eleven times | |
| ,, 2,151 to 2,350 ,, .. .. .. | Twelve times | |
| and so on .. .. | | |

For short voyages within home-trade limits excluding short voyages between Madras ports and the Straits Settlements the scale will be 50 per cent. of that shown in Schedule A for medicines and miscellaneous articles, but no reduction will be made for vaccines, anæsthetics, disinfectants and surgical instruments. The multiplication scale at the end of Schedule A will be unaltered for these voyages.

SCALE B.

Medicines and surgical appliances necessary for—

(1) Foreign-going British ships—

(a) not carrying a surgeon, and

(b) carrying a surgeon but having less than 100 persons on board.

(2) Home-trade ships of more than 300 tons—

(i) making a voyage not exceeding five days from port to port;

(ii) making a voyage exceeding five days from port to port and carrying less than 100 persons on board;

(iii) carrying 100 or more persons on a voyage exceeding five days from port to port but not having a surgeon on board.

| Preparations from British Pharmacopœia, 1898. | (1) Names of Medicines, Medicaments, etc. | Proportion for ships irrespective of the number of persons carried. |
|---|---|---|
| 1 | 2 | 3 |
| This column is added for the use of druggists supplying the medicines indicated.<br><br>All bottles to be stoppered and labelled, and the official dose for an adult to be stated on the label.<br><br>All medicines indicated thus (*) to be marked with a Red Poison Label.<br><br>All articles marked with two asterisks (**) should, in addition to the Red Poison Label, be carried in green fluted bottles and labelled for external use only. | | |
| | Acetyl-Salicylic acid .. .. | 100 tablets of 5 grs. |
| Spiritus ammon. aromat .. .. | Aromatic Spirits of Ammonia .. | 2 oz. |
| Tinctura Chloroformi et Morphinæ Composita | (*) Compound Tincture of Chloroform and Morphine (to be used in lieu of Chlorodyne). | 1 " |
| | Carron oil .. .. .. | 1 pint. |
| Oleum Ricini .. .. .. | Castor oil .. .. .. | ½ " |
| Acidum Carbolicum Liquifactum (**) .. | Carbolic Acid liquefied .. .. | 2 oz. |
| Acidum Picricum .. .. .. | Picric Acid .. .. .. | ½ " |
| Tinctura Benzoini Composita .. | Friar's Balsam .. .. | 2 " |
| Liquor Plumbi Subacetatis fortis .. | (*) Goulard's extract .. .. | 2 " |
| Tinctura Opii .. .. .. | (*) Laudanum .. .. .. | 2 " |
| Linimentum Saponis .. .. | Opodeldoc .. .. .. | 2 " |
| Pilula Colocynthidis Composita (4 grs.) .. | Purgative Pills .. .. | 3 doz. |
| Quinine hydrochloride in 5-gr. pills .. | Quinine Pills .. .. .. | 20 " |
| Paraffinum Molle .. .. | Vaseline of Soft Paraffin .. | 4 oz. |
| One reel 5 yards long and 2 inches wide .. | Self-adhesive plaster .. .. | 1 reel. |
| | Self-adhesive lint .. .. | ½ lb. |
| | Boric lint .. .. .. | ½ " |
| | Absorbent cotton wool .. .. | ½ " |

| Preparations from British Pharmacopœia, 1898. | (1) Names of Medicines, Medicaments, etc. | Proportion for ships irrespective of the number of persons carried. |
|---|---|---|
| 1 | 2 | 3 |
| The fluid 2 oz. measure must be marked in *ounces and drachms table spoonfuls and tea spoonfuls.* | Graduated 2 drachm drop-measure (conical) | 1 |
| | Graduated 2-oz. measure (conical) .. | 1 |
| | 6 oz. bottles with corks .. .. | 6 |
| | 1 oz. bottles with corks .. .. | 6 |
| | Mustard leaves in tin .. .. | 1 doz. |
| | Scissors .. .. .. | 1 pair. |
| | Lancet .. .. .. | 1 |
| | Clinical Thermometer, self-registering .. | 2 |
| Base 48-in., sides 32-in. .. .. | Triangular bandages .. .. | 2 |
| Leg and Arm Side .. .. | Bandages .. .. .. | 12 |
| | Finger bandages .. .. .. | 6 |
| | Calico .. .. .. | 2 yards. |
| | Splints common .. .. .. | 1 set. |
| | Esmarch's Tourniquet .. .. | 1 |
| | Needles in Vaseline .. .. | 6 |
| | Safety pins .. .. .. | 2 doz. |
| | Tablet of silk with four sizes .. | 1 |
| Printed directions for use .. .. | Enema Syringe (Higginson's) .. | 1 |
| 36-in., single reversible .. .. | Truss .. .. .. | 1 |
| 36-in., double .. .. .. | Do. .. .. .. | 1 |
| | Authorised book of Directions for Medicine Chest (The "Ship Captain's Medical Guide," latest edition). | |
| Cyllin (Medical) with directions .. | .. | 1 lb. |
| Epsom Salts with directions .. .. | .. | 3 lbs. |
| Scale and Weights with directions .. | .. | 1 set. |
| Compound Jalap Powder with directions .. | .. | 8 oz. |
| Sulphur Ointment with directions .. | .. | 8 " |
| Ringworm ointment .. .. | .. | 8 " |
| Linseed flour .. .. .. | .. | 2 lbs. |
| Commercial carbolic or other disinfectant of approved quality. | .. | 1 gallon. |
| Silver catheter .. .. .. | .. | 1 |
| Sago .. .. .. | .. | 6 lbs. |
| Arrowroot .. .. .. | .. | 10 " |
| Antyphlogistine .. .. .. | .. | ½ doz. tins. |
| Sol. cocaine hydrochlor, 0·5 per cent. in ol. ricin with hydperchlor, 0·33 per cent. | (2) Eye drops .. .. | ⅛ oz. |
| Soft India rubber catheters .. .. | .. | 1 set of 4 size 2, 4, 6 & 10. |

(1) All medicines bearing a Red Poison Label must be used with caution and if given internally should be carefully measured.

(2) "Factory eye drops" as prescribed by the Home Office. The bottle must have a label attached containing the following instructions for the use of the eye drops :—

"(1) With the aid of the dropper put two drops into the eye, (2) Wait five minutes, (3) Put two more drops into the eye, (4) Wait five minutes, (5) Put in two more drops. The eye should, then be ready, care must be taken that the instrument used is perfectly clean. After the removal of the foreign body, bandage the eye for six hours".

NOTE.—The preparations of ammonia, æther, chloroform, iodine, and all acids should be in well stoppered bottles.
Chloroform should be in blue glass or covered from light by dark paper.
All the drugs, etc., must be properly labelled with the quantities marked on each label.
"Poisons" should be specially distinguished by labels with the word "Poison" on them.

SCALE C.

Medicines and surgical appliances necessary for a home-trade ship exceeding 300 tons, but not exceeding 1,000 tons on a voyage not more than 24 hours from port to port (irrespective of the number of crew and passengers).

| Preparations from British Pharmacopœia, 1914 | Name of Medicines, Medicaments, etc. | Proportion for ships. |
|---|---|---|
| This column is added for the use of druggists supplying the medicines indicated.<br>All bottles to be stoppered and labelled, and the official dose for an adult to be stated on the label.<br>All medicines marked thus (*) to be marked with a Red Poison Label. | | |
| Spiritus ammon aromat .. .. .. | Aromatic Spirits of Ammonia .. | 1 oz. |
| Tinctura Chloroformi et Morphinæ Composita | (*) Compound Tincture of Chloroform and Morphine (to be used in lieu of Chlorodyne). | 1 ,, |
| | Carron oil .. .. .. | 1 pint. |
| Oleum Ricini .. .. .. | Castor oil .. .. .. | ½ ,, |
| Tinctura Benzoini Composita .. .. | Friar's Balsam .. .. | 2 oz. |
| Tinctura Iodi .. .. .. | Tincture of Iodine .. .. | 2 ,, |
| Paraffinum Molle .. .. .. | Vaseline or Soft Paraffin .. | 2 ,, |
| Quinine hydrochloride or sulphate in 5-grain tablets. | Hydrochloride or Sulphate of Quinine | 1 ,, |
| | Sol. Cocaine hydrochlor 0·5 per cent. in ol. ricin with hydrarg perchlor 0·33 per cent. .. .. | ⅛ ,, |
| One reel 5 yards long and one inch wide .. | Self adhesive plaster .. .. | 1 reel. |
| | Boric lint .. .. .. | ½ lb. |
| | Absorbent cotton wool .. .. | ½ ,, |
| | Graduated 2-drachm drop-measure (conical) .. .. .. | 1 |
| | Scissors .. .. .. | 1 pair. |
| | Clinical Thermometer, self-registering .. | 1 |
| | Triangular bandage, base 48-in., sides 32-in. .. .. .. | 1 |
| | Bandages (roller) .. .. | 6 |
| | Calico .. .. .. | 1 yard. |
| | Splints common .. .. .. | 1 set. |
| | Esmarch's Tourniquet .. .. | 1 |
| | Safety pins .. .. .. | 1 doz. |
| | Authorised book of Directions for Medicines Chest (The "Ship Captain's Medical Guide," latest edition) .. .. | 1 copy. |
| | Phenol (or other disinfectant of approved quality) .. .. | 1 gall. |
| | Catheter, rubber No. 8 .. .. | 1 |

## APPENDIX.

### CONDITIONS OF APPROVAL AND INSTRUCTIONS FOR DRAWING AND SENDING SAMPLES OF DISINFECTANTS AND LIST OF APPROVED BRANDS.

*Instructions for drawing and sending samples of disinfectants.*

1. Disinfectants will be tested chemically and bacteriologically. The chemical tests will be carried out at the Government Test House, Alipore, and the bacteriological tests at the Central Research Institute, Kasauli.

Manufacturers, desiring the approval of the Governor General in Council to disinfectants—coal tar or other—for use on board ship, should submit applications to the Secretary to the Government of India, Department of Commerce. A true copy of the application, together with samples drawn in accordance with the instructions detailed below, should at the same time be sent to the Superintendent, Government Test House, Alipore, for chemical examination, and another copy, with samples to the Director, Central Research Institute, Kasauli. for bacteriological examination. A sum of Rs. 48, being the fee charged for testing a sample chemically, should be paid into a Government Treasury in the name of the Audit Officer, Indian Stores Department, for adjustment under the head "XXVI-A—Indian Stores Department," and another sum of Rs. 45, being the fee for bacteriological examination, should be paid for adjustment under the head "XXIII -Public Health, Miscellaneous—Central." The Treasury receipts should be forwarded, respectively, to the Superintendent, Government Test House, Alipore, and the Director, Central Research Institute, Kasauli, along with the true copy of the application and the samples. These officers after conducting the examination will submit their reports to the Department of Commerce and that Department will then issue final orders on the applications.

2. Liquid disinfectants should be thoroughly stirred or shaken according to circumstances before samples are drawn therefrom. In the case of solid disinfectants, specimens should be taken from various points and thoroughly mixed, and the samples required for despatch to the Government Test House, Alipore, and the Central Research Institute, Kasauli, should be drawn from the large sample so obtained. The mixing of the specimens should be carried out as expeditiously as possible so as to avoid undue exposure of the material to the atmosphere.

3. Two representative samples of each disinfectant should be drawn simultaneously from the same container, one for despatch to the Government Test House, Alipore, and the other for despatch to the Central Research Institute, Kasauli.

4. In the case of chlorine disinfectants, samples should not be sent to the Central Research Institute, Kasauli. Only one sample, in such a case, should be drawn and sent to the Government Test House, Alipore.

5. If the disinfectant is a liquid, each sample should consist of at least half a gallon of the material. If it is a solid, two-pound samples should be drawn.

6. Samples of liquid disinfectants should be sent in bottles or in tins, and samples of solid disinfectants should be sent in wide-mouthed bottles.

7. Containers of samples should be scrupulously clean. They may be cleaned with water or petrol according to circumstances, but it is essential that the water or petrol should be completely removed by drying the containers before samples are placed in them. Kerosene should not be used for this purpose, as it cannot be completely removed by drying.

8. Bottles containing liquids should be nearly but not completely filled. If they are completely filled, the stoppers may be forced open by the expansion of the liquid.

9. All containers should be properly sealed to prevent leakage, and bottles should be carefully packed to avoid breakage in transit.

10. Samples should be carefully labelled A label may be a tag securely tied to a package or may be pasted on. If a label is pasted on a tin, it should go all the way round the tin and overlap ; otherwise it will probably fall off. The label should state—

A. Name of material.

B. Name of firm sending sample.

C. Number and date of covering letter under which sample is sent.

11. A sample should not be sent without covering letter. The covering letter should state full details of the sample, ***including a statement of the manufacturer's formula of the product sent.***

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12. Samples intended for despatch to the Government Test House, Alipore, and the Central Research Institute, Kasauli, should respectively be addressed *exactly* as follows :—

The Superintendent,
Government Test House,
Alipore, Calcutta.

The Director,
Central Research Institute,
Kasauli.

For the former, if sent by rail on the E. I. Railway or the B. N. Railway, parcels should be consigned to Calcutta—Bhowanipore, E. I. Railway or B. N. Railway, as the case may be. If sent by rail on the E. B. Railway these should be consigned to Kalighat, E. B. Railway. For the latter, parcels should be booked to Kasauli Out Agency, N.-W. Railway, and the railway receipt forwarded to the Director, Central Research Institute, Kasauli.

13. The telegraphic addresses of the Superintendent, Government Test House, Alipore, and the Director, Central Research Institute, Kasauli, are "Slim," Calcutta, and "Problem," Kasauli, respectively.

*Conditions of approval of disinfectants for ships.*

I. *Phenol or Carbolic Acid and Coal Tar Disinfectants generally.*

Coal tar disinfectants are required to be approved by the Governor General in Council. The approved disinfectant must have a germicidal value, as determined by the Chick-Martin technique as given by the Lister Institute, of not less than that of pure phenol when tested against B. Typhosus and must be miscible with sea-water in the manner described on the containers so as to produce a 5 per cent. emulsion or solution which shall show no appreciable separation after standing for six hours at the temperature of the air. It must not be unduly poisonous to higher animals and should not have any destructive action on wood, leather, linen or metals.

II. *Chlorine* may be carried either in the form of—

(a) *Stabilised Chloride of Lime.*

*Chloride of lime must be dry and suitably stabilised yielding not less than 30 per cent by weight of available chlorine* and must be put up in tins of not more than 10 lbs. per tin, the date of issue by the manufacturer being stamped on each tin. Each tin and contents, whether partly used or not, must be renewed within one year of the date stamped on the tin. Full instructions for the use of the powder for cleansing decks, bulkheads, urinals, lavatory basins, etc., must be given on the label attached to each tin. This material is not to be used for the sterilisation of drinking water, nor for the sterilisation of dejecta, soiled utensils or apparel of persons suffering from a contagious or infectious disease.

If stabilised chloride of lime is carried on board ship the quantity of coal tar disinfectant may be reduced by not more than 50 per cent. and the amount so reduced must be replaced by an equal weight of stabilised chloride of lime. *Solid chloride of lime disinfectants will be tested for strength, stability, lime and water as follows :—*

(1) The chloride of lime must be of approved quality.

(2) It must contain not less than 30 per cent. of available chlorine.

(3) It must contain not less than 4 per cent. of free quick lime (CaO).

(4) The total water existing in all forms, consisting largely, if not entirely, of water in combination in the form of calcium hydroxide, must not exceed 8·5 per cent.

(5) It must be of such stability that after being kept for four weeks in an oven at 140°F($\pm 2°$) the percentage of available chlorine shall not decrease more than 2½.

or (b) *Stabilised Hypochlorite Solution.*

If a stabilised solution of hypochlorite of soda is preferred to chloride of lime, this preparation may be carried on board in place of chloride of lime, provided the total quantity of available chlorine is the same. The amount of coal tar disinfectant carried may then be reduced by 50 per cent. The conditions and restrictions as to its purpose and use are the same as for chloride of lime. The hypochlorite solution must yield at

least 10 per cent of available chlorine. If the solution should at any time decrease in strength so that the available chlorine falls to less than 8 per cent., it must be replaced as soon as possible. The liquid is to be stored in stoneware jars or other containers, of not less than two gallons not more than 10 gallons capacity, not liable to cause a diminution of the strength of the solution. The jars must be sealed either with stoneware stoppers or with stoppers which have no appreciable action in diminishing the strength of the solution. Unless it can be shown that the strength of the solution is unaltered, the disinfectant must be renewed at least once a year. The date of sealing the containers and directions for use must be stated on a label adhering firmly to the jar.

*Stabilised hypochlorite solution will be tested for strength and stability.*—The stability of the solution will be tested by maintaining the liquid at 25°C for twenty-eight days when the available chlorine must not have decreased by more than 10 per cent. of the total available chlorine originally present.

or (c) *In ships in which a sea-water electroliser is installed*, capable of giving an unlimited quantity of sodium hypochlorite solution containing not less than 0·1 per cent. of available chlorine, the quantity of coal tar disinfectant carried may be reduced by not more than 50 per cent. The type of electroliser must be approved by the Governor-General in Council and subject to inspection from time to time. The conditions and restrictions as to the purpose and use of the hypochlorite solution are the same as those for chloride of lime or hypochloride solution in tins.

III. Stabilised chloride of lime put up in ½ lb. tins is intended to be used for sterilising *drinking water.* Instructions for use will be found on pages 11—13 of the 1929 edition of the Ship Captain's Medical Guide. *The following conditions must be fulfilled before chloride of lime for treatment of drinking water can be approved :—*

(1) The chloride of lime must be of approved quality.

(2) It must contain not less than 24 per cent. and not more than 26 per cent. available chlorine.

(3) It must contain not less than 14 per cent. of free quick lime (CaO).

(4) The total water existing in all forms, consisting largely, if not entirely of the water in combination in the form of calcium hydroxide, must not exceed 7·5 per cent.

(5) It shall be of such stability that after passing four weeks in an oven kept at 140°F (±2°) the percentage of available chlorine shall not decrease more than 2.

(6) The powder to be put up in ½ lb. tins, the date of issue by the manufacturer to be stamped on the base of each tin.

(7) Each tin and contents (except the measure, which may be used again) whether partially used or not, to be renewed within one year following the date stamped on the tin.

(8) Each tin to contain a measure, made of a material resistant to chlorine, to contain 60 grains of the powder ; when full, *i.e.*, sufficient to chlorinate approximately, 200 gallons of water.

The following disinfectants have been approved by the Governor General in Council. He may at any time withdraw his approval of any disinfectant that fails to pass the required standard :—

Antifect 18/20.

Bell's Fluid.

Burboul.

Carbolic Acid, Calvert's No. 5.

Carbolic Acid, pure, Young and Co.'s No. 3.

Celtyl.

Cofectant.

Crephol.

Cresolution, No. 1 Grade.

Cyllin, Crude, Jeyes'.

Cyllin, Jeyes' Special Fluid.

Daykoline.

D. G. Fluid, No. 1.

Disfectall, No. 2.

Disolite H. C.

Edwards Climax Sanitary Fluid.

Evansol.

Exenol.

Ferry "Extra."

Graesser-Monsanto 25 per cent. Creosote Soluble.

Hycol.

Hygeia.

Hyphenoid.
Ialine Fluid, Special No. 3.
Ialine Fluid, Special No. 5.
Ialine Fluid, Special No. 6.
Ialine Fluid, Special No. 7.
Ialine Fluid, Special No. 8.
Izal.
Izal, Crude.
Jeyes' Corporation Fluid.
Kara Fluid.
Kerol.
Kerol Farm.
Kilcrobe.
Kilsol.
Kingston Brand.
Lactar.
Liquor Cresoli Saponatus.
Little's Fluid.
Lysolat or Lysotab.
Lysolid.
Monsol.
M. O. H. Fluid.
Municipal.
Neslab Solid Lysol.
Pacolin, or Disinfectol.
Pharos Coefficient disinfectant fluid.
Pyramid.
Railene.
Sacol (Five Oceans).
Sanitas Okol.
Sanophen A.
Sanophen White.
Seawater disinfectant.
Septol, White.
Smith's Special Carbolated Sanitary Fluid.
Snowdol Fluid.
Standard.
" Vetersol " Wright's.
Vulcun T. P. O.
Wright's Disinfecting Fluid.
Xtol.
Zondo-Sal.

A. RAISMAN,
Joint Secy. to the Government of India.

TARIFFS.

The 18th March 1933.

**No. 260-T. (153)**.—In exercise of the powers conferred by sub-section (4) of section 3 of the Indian Tariff Act, 1894 (VIII of 1894), the Governor General in Council is pleased to direct that the following further amendments shall be made in the Notification of the Government of India in the Commerce Department, No. 260-T. (127), dated the 30th December, 1930, namely :—

For the figures ' 1933 ' the figures ' 1934 ' shall be substituted.

T. A. STEWART,
Addl. Secy. to the Govt. of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

POSTS AND TELEGRAPHS BRANCH.

New Delhi, the 9th March 1933.

**No. 526-T./32**.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor General in Council is pleased to direct that, with effect from the 1st April, 1933, the following further amendments shall be made in the Indian Telegraphs Rules, 1932, namely :—

(1) In sub-rule (1) of rule 183 of the said Rules clause " (*k*) Week-end letter telegrams " shall be omitted.

(2) In rule 184 of the said Rules in the list under the head " (*d*) Special Instructions and Conventional signs "—

(*i*) the following entries shall be omitted, namely :—

| | | |
|---|---|---|
| " Télégramme différé en langue Francaise | LCF .. | Deferred telegram in French (Rule 299). |
| Télégramme différé en langue du pays d' origine ou designée par ce pays. | LCO | Deferred telegram in language of, or notified by, country of origin (Rule 299). |
| Télégramme différé en langue du pays de destination ou designée par ce pays. | LCD | Deferred telegrams in language of, or notified by, country of destination (Rule 299). |
| .. | .. WLT | Week-end letter telegrams (Rule 314)." |

(*ii*) At the end the following entry shall be inserted, namely :—

| | | |
|---|---|---|
| " Télégramme différé .. | .. LC .. | Deferred telegram (Rule 299)." |

(3) In rule 292 of the said Rules for the words "three times" the word "double" shall be substituted.

(4) In rule 293 of the said Rules for the words "three times" and for the word "triple" the word "double" shall be substituted.

(5) For rule 296 of the said Rules the following rule shall be substituted, namely :—

"296. *Language*.—The text of deferred telegrams shall be expressed wholly in plain language in one and the same language chosen from amongst the languages admitted in plain language telegrams (Rules 186 and 187) : Provided that, proper names, names of firms and expressions designating merchandise or a type of merchandise may be admitted in a language other than that in which the telegram is written."

(6) In rule 298 of the said Rules—

(*i*) the words "in letters or" shall be omitted.

(*ii*) after the word "text," the following shall be inserted, namely :—

"including the signature. If one-third of the number of chargeable words is a fractional number, this shall be rounded up to the next higher whole number."

(*iii*) in the proviso, the words "which shows opposite each group of figures the corresponding meaning in French" shall be omitted.

(7) For rule 299 of the said Rules the following rule shall be substituted, namely :—

"299. *Special instruction*.—In deferred telegrams the sender shall write before the address the special instruction "LC" [Rule 184 (*d*)]."

(8) Rule 304 of the said Rules shall be omitted.

(9) In rule 307 of the said Rules for the words "one-quarter" the words "one-third" and for the figures "20" the figures "25" shall be substituted.

(10) In rule 308 of the said Rules for the words "A daily letter telegram shall bear no other special instructions save, if desired. that relating to prepayment of replies" the following shall be substituted, namely :—

"The only special services admitted in daily letter telegrams are: Reply paid, Poste restante, Telegraphe restant and telegraphic re-direction under orders of the addressee."

(11) For rule 311 of the said Rules the following rule shall be substituted, namely :—

"311. *Delivery*.—Delivery of a daily letter telegram shall be effected on the morning of the second day following the day on which the telegram was presented in a telegraph office, for transmission."

(12) After rule 311 of the said Rules the following rule shall be inserted, namely :—

"311-A. *Refunds*.—A refund of the full charge shall be payable to the sender in respect of a daily letter telegram which has not been delivered to the addressee until after a period of 72 hours, such period being calculated from the time at which the telegram should normally have been delivered.

(13) Rules 312 to 317 of the said Rules shall be omitted.

(14) In clause (*g*) of rule 370 of the said Rules for the words "three times" the word "double" shall be substituted.

(15) In clause (*c*) of rule 388 of the said Rules the words "and week-end letter telegrams" shall be omitted.

(16) For clause (*e*) of rule 412 of the said Rules the following shall be substituted, namely :—

"(*e*) Deferred telegrams and daily letter telegrams."

J. A. SHILLIDY,

Secretary to the Government of India.

2079 CS—810—24-3-33—SGPP Lahore.

(3) In rule 292 of the said Rules for the words "three times" the word "double" shall be substituted.

(4) In rule 293 of the said Rules for the words "three times" and for the word "triple" the word "double" shall be substituted.

(5) For rule 296 of the said Rules the following rule shall be substituted, namely:—

"296. *Language.*—The text of deferred telegrams shall be expressed wholly in plain language in one and the same language chosen from amongst the languages admitted in plain language telegrams (Rules 186 and 187): Provided that, proper names, names of firms and expressions designating merchandise or a type of merchandise may be admitted in a language other than that in which the telegram is written."

(6) In rule 298 of the said Rules—

(i) the words "in letters or" shall be omitted.

(ii) after the word "text," the following shall be inserted, namely:—

"including the signature. If one-third of the number of chargeable words is a fractional number, this shall be rounded up to the next higher whole number."

(iii) in the proviso, the words "which shows opposite each group of figures the corresponding meaning in French" shall be omitted.

(7) For rule 299 of the said Rules the following rule shall be substituted, namely:—

"299. *Special instruction.*—In deferred telegrams the sender shall write before the address the special instruction "LC" [Rule 184 (d)]."

(8) Rule 304 of the said Rules shall be omitted.

(9) In rule 307 of the said Rules for the words "one-quarter" the words "one-third" and for the figures "20" the figures "25" shall be substituted.

(10) In rule 308 of the said Rules for the words "A daily letter telegram shall bear no other special instructions save, if desired, that relating to prepayment of replies" the following shall be substituted, namely:—

"The only special services admitted in daily letter telegrams are: Reply paid, Poste restante, Telegraphe restant and telegraphic re-direction under orders of the addressee."

(11) For rule 311 of the said Rules the following rule shall be substituted, namely:—

"311. *Delivery.*—Delivery of a daily letter telegram shall be effected on the morning of the second day following the day on which the telegram was presented in a telegraph office, for transmission."

(12) After rule 311 of the said Rules the following rule shall be inserted, namely:—

"311-A. *Refunds.*—A refund of the full charge shall be payable to the sender in respect of a daily letter telegram which has not been delivered to the addressee until after a period of 72 hours, such period being calculated from the time at which the telegram should normally have been delivered."

(13) Rules 312 to 317 of the said Rules shall be omitted.

(14) In clause (g) of rule 370 of the said Rules for the words "three times" the word "double" shall be substituted.

(15) In clause (c) of rule 388 of the said Rules the words "and week-end letter telegrams" shall be omitted.

(16) For clause (e) of rule 412 of the said Rules the following shall be substituted, namely:—

"(e) Deferred telegrams and daily letter telegrams."

J. A. SHILLIDY,

Secretary to the Government of India.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

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## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," EXTRAORDINARY, NEW DELHI, SATURDAY, 18TH MARCH, 1933.

**FINANCE DEPARTMENT (CENTRAL REVENUES).**

NOTIFICATION.

CUSTOMS.

New Delhi, the 18th March 1933.

**No. 14.**—WHEREAS the provisions of clause 3 of the Indian Finance Bill, 1933, were declared provisions as defined in the Provisional Collection of Taxes Act, 1931 (XVI of 1931), and whereas a motion was passed in the Legislative Assembly on the 16th March, 1933, for the omission of the words "Silk or" from the item to be inserted under sub-clause (1) of the said clause in the Second Schedule to the Indian Tariff Act, 1894 (VIII of 1894), as item 45;

NOW THEREFORE, in pursuance of that motion and in exercise of the powers conferred by clause (*b*) of sub-section (2) of section 4 of the Provisional Collection of Taxes Act, 1931 (XVI of 1931), the Governor General in Council is pleased to direct that the declared provision contained in the said item in its application to silk piecegoods shall cease to have the force of law.

A. H. LLOYD,

Joint Secretary to the Government of India.

FROM "THE GAZETTE OF INDIA", NEW DELHI, SATURDAY, MARCH 25, 1933.

## LEGISLATIVE DEPARTMENT.

NOTIFICATION.

New Delhi, the 18th March 1933.

**No. F.-43/33-E.**—Mr. G. H. Spence, C.I.E., I.C.S., Deputy Secretary to the Government of India, Legislative Department, is granted, with effect from the 7th April 1933, leave for six months and 27 days, the first three months and 22 days of which shall be leave on average pay and the remainder leave on half average pay.

D. G. MITCHELL,

Offg. Secretary to the Government of India.

## HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

New Delhi, the 21st March 1933.

**No. F.-10-5/33.**—The following Resolution passed by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of Section 96B of the Government of India Act, the Secretary of State for India, with the concurrence of the majority of votes at a meeting of the Council of India held this 14th day of February 1933, hereby makes the following amendments in the Superior Civil Services Rules, namely :—

In Schedule VII to the said Rules, in the table—

"F.—Indian Service of Engineers"—

(1) in Part I, the column relating to Government of India shall be omitted ;

(2) in Part II, the heading "Government of India", the sub-head "*Superior Posts*" and the entry thereunder shall be omitted.

C. W. GWYNNE,

Joint Secretary to the Government of India.

The 23rd March 1933.

**No. F.-329/32.**—The following Resolution made by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of section 96B of the Government of India Act the Secretary of State, with the concurrence of the majority of votes at a meeting of the Council of India held this 28th day of February 1933, hereby makes the following amendments to the Superior Civil Services Rules, namely :—

I. In the said Rules, rule 2 shall be renumbered "2 (1)" and after the rule so renumbered the following sub-rule shall be inserted, namely :—

"(2) If an officer in a service with junior and senior scales of basic pay is appointed to a post carryiug pay on the senior scale before he enters the earliest year of service for which a rate of pay on the senior scale is prescribed, he shall draw from the date of such appointment to the date on which he enters the year of service next following the said year the rate of pay on the senior scale prescribed for the said year."

II. In Schedule I to the said Rules in the third column of the tables relating respectively to the Indian Civil Service and the Indian Police Service, the words "or any earlier year" shall be omitted.

III. In part 2 of Table A of Schedule VII to the said Rules—

(a) under the heading "Government of India, and the sub-head 'Inferior Posts'," against the entry '4 posts in Class I of the General List of the Indian Audit and Accounts Service' the mark '@' shall be added; and

(b) in the footnotes appended to the said Table after the footnote relating to the post of Controller of Currency, the following footnote shall be added, namely:—

"@ These four posts, as they become vacant by the transfer or absorption of their Indian Civil Service incumbents, will be abolished."

IV. In Table B, Part 2, of Schedule VII to the said Rules, in the entries relating to 'Punjab, North-West Frontier Province, Baluchistan and Delhi,' for the entry "2 Personal Assistants to Inspectors-General of Police, (b)" the following shall be substituted, namely:—

"1 Assistant Inspector-General of Police, Punjab (b).

1 Personal Assistant to the Inspector-General of Police, North-West Frontier Province (b)."

V. In Table A of Schedule VIII to the said Rules, under the heading 'Government of India,' after the entry relating to "Officers in Class I of the General List of the Indian Audit and Accounts Service," the following entry shall be inserted, namely:—

"*Deputy Controller of Currency, Calcutta* .. Senior or Junior .. 200".

VI. In Table B of Schedule VIII to the said Rules,

(a) under the heading "Government of India" in the entry in the third column relating to Settlement Assistant Commissioner, Port Blair, the words and figures "*plus* 150 for holding charge of the Cellular Jail" shall be omitted;

(b) in the entries relating to the 'Punjab, North-West Frontier Province, Baluchistan and Delhi,' for the entry "Personal Assistant to the Inspector-General, Punjab........Senior......200" the following entry shall be substituted, namely:—

"Assistant Inspector-General of Police, Punjab.........Senior........200."

VII. In Table H of Schedule VIII to the said Rules, in the section relating to '*North-West Frontier Province*,' for the entries in the first column,

"Divisional and Sessions Judge, Peshawar,"

"Additional Divisional and Sessions Judge, Peshawar,"

"District Judge, Peshawar," and

"Divisional and Sessions Judge, Derajat,"

the following entries shall be substituted, namely:—

"District and Sessions Judge, Peshawar,"

"Additional and Sessions Judge, Peshawar,"

"Senior Subordinate-Judge, Peshawar," and

"District and Sessions Judge, Dera Ismail Khan."

VIII. In Table A of Schedule IX to the said Rules, under the heading "Government of India" for the entry—

"*Controller of Civil Accounts* .. .. .. .. .. 3,500".

the following entry shall be substituted, namely:—

"*Deputy Auditor-General in India* .. .. .. .. .. 3,500"

Amendment VI (a) shall be deemed to have had effect from the 17th November 1932.

M. G. HALLETT,

Secretary to the Government of India.

## FINANCE DEPARTMENT.

NOTIFICATION.

New Delhi, the 22nd March 1933.

**No. F.-7 (7)-R.-I/33.**—The following Resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of section 96B of the Government of India Act, the Secretary of State for India with the concurrence of the majority of votes at a meeting of the Council of India held this 28th day of February, 1933, hereby makes the following amendment to the Civil Service Regulations, namely :—

In Article 316-A of the said Regulations, in Clause (*b*), for the word " Article " the words " Article 234 (*b*) and " shall be substituted.

This amendment shall have effect from the 11th July 1921.

J. B. TAYLOR,

Offg. Secretary to the Government of India.

## CENTRAL BOARD OF REVENUE.

NOTIFICATION.

INCOME-TAX.

New Delhi, the 25th March 1933.

**No. 11.**—In pursuance of rule (1) of the rules under section 33-A of the Indian Income-tax Act, 1922 (XI of 1922), published with its notification No. 35-Income-tax, dated the 12th July, 1930, the Central Board of Revenue directs that the following further amendments shall be made in the schedule attached to its notification No. 18-Income-tax, dated the 13th June, 1931, namely :—

In the said schedule—

(1) for entries 43, 65, 92, 95 and 103 in column 2, the following entries shall be substituted, namely :—

" 43. Mr. Makundi Lal Garg, Proprietor of Messrs. Bhugwandas Pragdas, Cawnpore.

65. Mr. A. M. Hayman, Controller of Accounts, Tata Iron and Steel Company Jamshedpur.

92. Mr. M. D. Bhagwat of Akola.

95. Lala Faqir Chand, Honorary Magistrate of Risalpur Cantt.

103. Rai Sahib Rochi Ram Khattar, M.L.C., Honorary Munsiff of Dera Ismail Khan."

RAM NATH,

Secretary, Central Board of Revenue.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

POSTS AND TELEGRAPHS BRANCH.

New Delhi, the 21st March 1933.

**No. 453-T./32.**—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor General in Council is pleased to direct that, with effect from the 1st April, 1933, the following further amendments shall be mad in the Indian Telegraph Rules, 1932, namely :—

(1) Rule 45 of the said Rules shall be omitted.

(2) In rule 132 of the said Rules, the words " Save as provided under Rule 133 " shall be omitted.

(3) For rule 133 of the said Rules, the following rule shall be substituted, namely :—

" 133. Service telegrams written in cipher shall invariably be collated."

J. A. SHILLIDY,

Secretary to the Government of India.

FROM THE "SUPPLEMENT TO THE GAZETTE OF INDIA," NEW DELHI, SATURDAY, MARCH 25, 1933.

No. F.-1223/32-Judical.

GOVERNMENT OF INDIA.

**HOME DEPARTMENT.**

New Delhi, the 20th March 1933.

RESOLUTION.

In exercise of the power conferred by sub-section (2) of section 30 of the Government of India Act, the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Resolution of the Government of India in the Home Department, Nos. 713—734 (Judicial), dated the 2nd June 1913, relating to the execution of deeds, contracts and other instruments on behalf of His Majesty's Secretary of State for India in Council, namely :—

I. In part B of the said Resolution—

(*a*) Under Head II, in the entry in the second column relating to item (*b*), the words "Chief Inspector of Stores and Clothing, the Assistant Inspector of Clothing and Clothing Stores, Shahjehanpur, Assistant Inspectors of General Stores with the exception of the Assistant Inspectors of General Stores at Cawnpore" shall be omitted.

(*b*) Under Head III, in the entry in the first column relating to item 2, for the words "supply of *khus khus tattis*" the words "repair of screens cooling" shall be substituted.

II. In part M of the said Resolution—

(*i*) In the entry in the second column relating to item 2 (*e*) for the words "Director, Civil Veterinary Department" the words "Director of Veterinary Services" shall be substituted.

(*ii*) To the entry in the first column relating to item 3 (*c*) the words "and contracts for the purchase and disposal of livestock required for the Serum Institute in the Madras Presidency" shall be added.

C. W. GWYNNE,

Joint-Secretary to the Government of India.

No. F.-280/33-Judicial.

GOVERNMENT OF INDIA.

**HOME DEPARTMENT.**

New Delhi, the 21st March 1933.

RESOLUTION.

In exercise of the power conferred by sub-section (2) of section 30 of the Government of India Act, the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Resolution of the Government of India in the Home Department, Nos. 713—734 (Judicial), dated the 2nd June, 1913, relating to the execution of deeds, contracts and other instruments on behalf of His Majesty's Secretary of State for India in Council, namely :—

1. In part E of the said Resolution in the entries in the second column relating to items 1 to 4, for the words "and Electric Inspector to Government, United Provinces" the words "Electric Inspector to Government United Provinces and the Electric Inspector, Bihar and Orissa" shall be substituted.

2. In part F of the said Resolution in the entries in the second column relating to item 13 after the words "Bridge Engineers" the words "Superintendent, Walton Training School" shall be inserted

C. W. GWYNNE,

Joint-Secretary to the Government of India.

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## PART II.

## Republications from the " Gazette of India."

FROM THE " GAZETTE OF INDIA," NEW DELHI, SATURDAY, APRIL 1, 1933.

### HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

New Delhi, the 28th March 1933.

**No. F.-70/33.**—His Excellency Sir Geoffrey deMontmorency, K.C.S.I., K.C.I.E., K.C.V.O., C.B.E., I.C.S., is granted leave on average pay for 8 months with effect from the afternoon of the 12th April 1933 and leave on half-average pay for 1 year and 8 months in continuation of the leave on average pay.

The 29th March 1933.

**No. F.-9/39/32.**—The following resolution made by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of section 96-B of the Government of India Act, and in supersession of all existing rules and orders relating to the penalties for failure by officers of the Indian Civil



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Service or of the Indian Service of Engineers to pass the prescribed vernacular and other examinations, the Secretary of State in Council, with the concurrence of a majority of votes at a meeting of the Council of India held this 28th day of February 1933, hereby makes the following amendments in the Superior Civil Services Rules, namely :—

In Schedule I to the said Rules—

(1) for NOTE 2 to the table relating to the Indian Civil Service, including Military Officers holding posts borne on the cadre thereof, the following note shall be substituted, namely :—

"NOTE 2.—An officer of the Indian Civil Service shall draw pay at Rs. 600 per mensem (or Rs. 450 if not eligible for overseas pay) until he passes such part of such examination as the Local Government, subject to the control of the Secretary of State for India in Council, may prescribe, and thereafter shall draw pay at Rs. 650 per mensem (or Rs. 500 if not eligible for overseas pay) until he passes the remaining part of such examination, after which he shall draw pay at Rs. 700 per mensem (or Rs. 550 if not eligible for overseas pay) or at the rate corresponding to his position in the time-scale, whichever is higher. The Local Government may treat an officer who, in the opinion of the Local Government, has made satisfactory progress in training generally equivalent to either part of the examination as having passed that part," and

(2) in the entry relating to the Indian Service of Engineers, including Military Officers holding posts borne on the Cadre thereof,

(*a*) The Note appended to the Table shall be numbered as Note 1, and in the Note as so numbered, after the words "be permitted" the words and figures "subject to the provisions of NOTE 2" shall be inserted ; and

(*b*) after NOTE 1, the following note shall be inserted, namely ;—

"NOTE 2.—An officer who has failed to pass such professional and vernacular examinations, within such date as the Local Government, subject to the control of the Secretary of State in Council, may prescribe, shall not be, unless the Local Government by general or special order declares him to be, entitled to any increment of pay after that date until he passes the examination, after which he shall be entitled to pay at the rate corresponding to his position in the time-scale."

**No. F.-475/32.**—Mr. T. Sloan, C.I.E., of the Indian Civil Service, is appointed to be Joint Secretary to the Government of India in the Home Department with effect from the 7th April 1933.

**No. F.-455/32.**—Mr. C. F. V. Williams, of the Indian Civil Service, is appointed to be Under Secretary to the Government of India in the Home Department, with effect from the forenoon of the 3rd April 1933.

M. G. HALLETT,
Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

New Delhi, the 30th March 1933.

**No. 122-I.**—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to direct that the following further amendment shall be made in the First Schedule to the notification of the Government of India in the Foreign Department, No. 3510-I.B., dated the 3rd November 1913, applying certain enactments to Berar, namely ;—

After entry No. 183 the following shall be inserted, namely ;—

"184. The Children (Pledging of Labour) Act, 1933 (II of 1933)."

C. C. WATSON,
Political Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATIONS.

INCOME-TAX.

New Delhi, the 1st April 1933.

**No. 13.**—In exercise of the power conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), the Governor-General in Council is pleased to direct that the exemption conferred by the notification of the Government of India in the Finance Department (Central Revenues) No. 41, dated the 26th December 1931, shall apply *mutatis mutandis* in respect of so much of the income of the year 1933-34 chargeable under the head " Salaries " as was earned in the year 1932-33.

**No. 14.**—In exercise of the powers conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), hereinafter referred to as the said Act, the Governor-General in Council is please to declare that in the case of the following class of persons, the rates of income-tax applicable to incomes chargeable under the head " Salaries " shall be the rates prescribed by the Indian Finance Act, 1931.

*Schedule.*

*Classes of persons exempted* :—

" British other ranks of the Army and the Royal Air Force whose pay has been reduced to the revised normal and tradesmen's rates of pay introduced, in respect of the Army, by the Royal Warrant promulgated with Army Order No. 170 of 1931 (published with Army Instruction (India) No. 107, dated the 3rd November 1931) and in the case of the Royal Air Force by Air Ministry Order No. A.-193 of 1931 (published with Royal Air Force Instruction (India) No. 29 of 1931). ".

J. B. VACHHA,

Joint Secretary to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATIONS.

INSURANCE.

New Delhi, the 1st April 1933.

**No. 36-I/(27).**—In exercise of the powers conferred by section 39 of the Indian Life Assurance Companies Act, 1912 (VI of 1912), the Governor-General in Council is pleased to direct that the following amendments shall be made in the Indian Life Assurance Companies Rules, 1930 :—

AMENDMENTS.

(1) For rule 4 of the said Rules the following rule shall be substituted, namely :—

" 4. Any person, who as an Auditor, audits the accounts of a Company shall be either—

Qualifications of Auditors under the Act.

(*a*) a person who holds an Auditor's Certificate issued under rule 13 of the Auditor's Certificates Rules, 1932,

or

(*b*) a person who holds a Restricted Certificate granted by a local Government entitling him to act as an Auditor within a province, and who is entitled to continue so to act under sub-section (2) of section 3 of the Indian Companies (Amendment) Act, 1930 (XIX of 1930), and rules thereunder. "

(2) In clause (*c*) of rule 11 of the said Rules, for the figure " 4 " the figure " 3 " shall be substituted.

TARIFFS.

The 31st March 1933.

**No. 341-T. (5)/33.**— In exercise of the powers conferred by sub-section (5) of section 3 of the Indian Tariff Act, 1894 (VIII of 1894), the Governor-General in Council is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Department of Commerce, No. 341-T. (164), dated the 30th August 1932, namely :—

The words and figures " and is further pleased to direct that the increased rates shall remain in force until the 31st March 1933," shall be omitted.

The 1st April 1933.

**No. 199-T. 17).**—In their Resolution in the Department of Commerce No. 199-T.(11), dated the 5th September 1931 the Government of India analysed the Report of the Indian Tariff Board on the Heavy Chemical Industry and announced the conclusions at which they themselves had arrived after consideration of the Report and the action which they proposed to take. By the Heavy Chemical Industry (Protection) Act of 1931 protective duties at different rates were placed upon certain specified chemicals subject to the proviso that in each case the ordinary revenue duty would be applicable whenever it was higher than the protective duty. Section 3 of the Act provides that the protective duties on all the specified chemicals other than magnesium chloride shall have effect only up to the 31st March 1933.

2. In the Resolution cited above the reasons for limiting the operation of the protective duties to a period of about a year and a half were stated, and in moving for the consideration of the Bill in the Legislative Assembly on the 21st September 1931 the Hon'ble Commerce Member clearly explained why the Government of India were unable to propose the grant of substantive protection to the heavy chemical industry unless and until they were satisfied after further enquiry that certain conditions upon which the scheme of protection framed by the Tariff Board depended were likely to be fulfilled. The questions which, in the opinion of Government, required further investigation were the following :—

(a) Whether there was any likelihood of the principal manufacturers of heavy chemicals in India reorganising the industry in combination with each other and of so making economic production possible.

(b) Whether the actual and potential demand in India for superphosphate was sufficiently large and assured to justify the grant of State assistance in the form of a bounty to the manufacturers of this fertiliser.

(c) Whether superphosphate was capable of being manufactured in India at a cost which would enable it at any time to compete with the imported article on equal terms.

3. In regard to the first question, in paragraph 12 of the Resolution already cited the Government of India stated that they would be prepared to discuss with representatives of the chemical manufacturing interests how the question of developing the industry could best be studied further. No response was received to that suggestion, and enquiries were therefore made, at the instance of the Government of India, by the Governments of Madras, Bombay and Bengal from the principal manufacturers in those Provinces. The result of those enquiries may be summed up as follows. In no instance was any indication given of an intention on the part of chemical manufacturers to work for more economic production by a combination of interests ; the view that the Indian market for heavy chemicals is insufficient to render truly economic production by the existing concerns possible gained support from statements made by manufacturers themselves, while it was alleged by one large manufacturer that the price of acids is now regulated by internal competition and, that over-production of certain chemicals already takes place.

4. The second question has been examined in the light of all the evidence available by the Imperial Council of Agricultural Research, who have consulted the Fertiliser Committee appointed by the Council, Directors of Agriculture and other persons specially qualified to express opinions of value. While finality is not claimed for the results of such tests as have been made, the great majority of the opinions are unfavourable to any scheme of State assistance to the manufacture of superphosphate. The Tariff Board of 1929 estimated the total consumption of superphosphate in India at about 10,000 tons, and while this figure, in the opinion of the Imperial Council of Agricultural Research, may not be an overestimate of the present demand if prices were reduced, the view expressed by the Tariff Board, in paragraph 82 of its Report, that some 30,000 tons would not improbably be required within a comparatively short period has received no support.

5. As regards the third question, the Government of India caused enquiries to be made by two experts, working independently, into the cost of production of superphosphate in India. Each of these two enquiries produced an estimate of the cost of production somewhat higher than, though no strikingly different from, that made by the Tariff Board. One of the reports, however, contained the conclusions that, to judge from such statistics as could be obtained, the total consumption of superphosphate in India has dropped far below 10,000 tons a year ; that even if an output of 10,000 tons could be attained by a single factory in India, no prospect exists of manufacture in India at a cost sufficiently low to enable it to compete with the imported article and that, since an annual output of not less than 50,000 tons might be considered under modern conditions to represent a reasonably economic scale of production the Indian manufacturer, with his very small internal market and his reliance upon imported sulphur and raw phosphate, could not hope to compete on equal terms with the manufacturers in certain other countries.

6. The result of these enquiries provides, in the opinion of the Government of India, a definite answer to the question whether protection to the heavy chemical industry should be continued. Any scheme for the grant of State Assistance to manufacture of superphosphate could clearly have no justification on any ground, and in the absence of a superphosphate manufacturing industry, the additional market for sulphuric acid for which the Tariff Board hoped fails to materialise. In the words of the Tariff Board, the chemical industry in India can have no future so long as manufacture is carried on in small units with low production, and no indication has appeared of any desire on the part of existing manufacturing interests to concentrate production into a small number of economic units for the supply of the existing market. In these circumstances, the only result of continuing protection to the heavy chemical industry would be to perpetuate uneconomic manufacture and to place a burden on the consumer of such chemicals for an indefinite period with no prospect of any national advantage. The Government of India accordingly decided to place no proposals before the Legislature for the continuance of protection to the heavy chemical industry after the 31st March 1933. The protective duty on magnesium chloride, which is in force until the 31st March 1939, remains unaffected by this decision.

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ORDER.—Ordered that a copy of the above Resolution be communicated to all local Governments and Administrations, all Departments of the Government of India, the Director-General of Commercial Intelligence and Statistics, the Central Board of Revenue, the Indian Trade Commissioners, London and Hamburg, the Secretary, Tariff Board, the High Commissioner for India, London, His Majesty's Trade Commissioner in India, the Canadian Trade Commissioner in India, all Chambers of Commerce and Associations, the French Trade Commissioner in India, Burma and Ceylon, the Secretary, Imperial Council of Agricultural Research and the Chief Controller of Stores.

Ordered also, that it be published in the *Gazette of India.*

T. A. STEWART,

Secretary to the Government of India.

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## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

### NOTIFICATIONS.

New Delhi, the 30th March 1933.

**No. F.-32 (1)-A./32.**—In exercise of the powers conferred by sub-section (1) of section 3 of the Destructive Insects and Pests Act, 1914 (II of 1914) the Governor-General in Council is pleased to direct that the following further amendments shall be made in the order published with the notification of the Government of India in the late Department of Revenue and Agriculture, No. 580-240, dated the 22nd June 1922, namely :—

For paragraph 12 of the said order the following paragraph shall be substituted, namely :—

"12. Nothing in these rules shall be deemed to apply to—

(1) the import of any article into Aden, or

(2) the bringing by sea or by air from one port or place in British India, not being in Aden, to another such port or place."

HEALTH.

The 28th March 1933.

**No. F. 5/33.**—The services of Captain B. S. Nat, M.D., F.R.C.S., I.M.S., are placed permanently at the disposal of the Punjab Government with effect from the 10th November 1932.

RAM CHANDRA,

Joint Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

PUBLIC WORKS BRANCH.

New Delhi, the 30th March 1933.

**No. C.-31.**—The Governor-General in Council is pleased to appoint a Standing Committee on Roads for the financial year 1933-34, the functions of which shall be as defined in clauses 7 and 8 of the Resolution* on Roads adopted by the Legislative Assembly on the 4th February 1930, as subsequently amended, a copy of which is appended to this notification.

2. The composition of the Committee shall be as follows :—

| | |
|---|---|
| The Honourable Sir Frank Noyce, Kt., C. S. I., C.B.E., I.C.S., Member of the Governor General's Executive Council in charge of the Department of Industries and Labour. | Chairman. |
| Mr. A. G. Clow, C.I.E., I.C.S. .. .. | Official member of the Legislative Assembly nominated for the Committee. |
| Director of Traffic, Railway Board .. | Second official member. |
| The Honourable Mr. E. Miller, J. P. .. .. | Elected by the Council of State. |
| The Honourable Mr. V. V. Kalikar .. .. | Elected by the Council of State. |
| The Honourable Mr. H. M. Mehta, J. P. .. | Elected by the Council of State. |
| Mr. N. R. Gunjal .. .. .. | Elected by the Legislative Assembly. |
| Kottal Uppi Saheb Bahadur .. | Elected by the Legislative Assembly. |
| Mr. G. Morgan, C.I.E. .. .. .. | Elected by the Legislative Assembly. |
| Haji Chaudhury Mohammad Ismail Khan .. | Elected by the Legislative Assembly. |
| Kunwar Raghubir Singh .. .. .. | Elected by the Legislative Assembly. |
| Rao Bahadur S. R. Pandit .. .. | Elected by the Legislative Assembly. |

3. The following members shall form the Finance Sub-Committee :—

The Honourable Sir Frank Noyce.

Mr. A. G. Clow.

Mr. N. R. Gunjal.

Kottal Uppi Saheb Bahadur.

Mr. G. Morgan.

Haji Chaudhury Mohammad Ismail Khan.

Kunwar Raghubir Singh.

Rao Bahadur S. R. Pandit.

4. The Honourable Sir Frank Noyce shall be the Chairman of the Standing Committee on Roads and shall also preside over the Finance Sub-Committee.

J. A. SHILLIDY,

Secy. to the Govt. of India.

*The same resolution was adopted by the Council of State on the 4th March 1933.

*Resolution moved by the Hon'ble Sir Bhupendra Nath Mitra and as adopted by the Legislative Assembly on the 4th February 1930. (The same resolution was adopted by the Council of State on the 4th March 1930.)*

" This Assembly, after taking into consideration paragraphs 70 to 79 of the Report of the Indian Road Development Committee, recommends to the Governor-General in Council that :

(1) The increase in the import and excise duties on motor spirit from 4 to 6 annas per gallon, introduced by the Indian Finance Act for the current year, shall be maintained for a period of five years in the first instance ;

(2) The proceeds of the additional duty during the same period after deducting such amounts as may be required for grants-in-aid to users of petrol for aviation purposes according to rules issued by Government on a scale not exceeding the additional duty on petrol actually consumed for such purposes shall be allotted as a block grant for expenditure on road development to be credited to a separate road development account, the unexpended balances of which shall not lapse at the end of the financial year ;

(3) The annual grants shall be divided as follows :—

(*a*) A certain proportion shall be retained by the Government of India as reserve and such proportion shall be 10 per cent. for the two years ending March, 1931, and the position shall be reviewed thereafter and the balance, if any, on 31st March 1931, or any subsequent date of review, which is not required for the purposes approved in paragraph 75 of the Report, shall be distributed among the Governor's provinces and the Government of India in the manner provided for the remainder in sub clause (*b*) ;

(*b*) Out of the remainder—

(*i*) An apportionment shall be made among the Governor's provinces in the ratio which the consumption of petrol in each such province bears to the total consumption in India in the preceding calendar year ;

(*ii*) The balance, representing the consumption of petrol in provinces othe than Governor's provinces, administered areas and Indian States shall be allotted as a lump sum to the Government of India.

(4) If any part of the amount apportioned to a Governor's province in any financial year remains unexpended at the end of that year, it shall be carried over for expenditure in that province in the following year.

(5) Grants shall be made to each Governor's province, up to the amount available for it in each year, for expenditure on schemes approved by the Governor-General in Council with the advice of the Standing Committee for Roads. As an exception to this rule, the amount available, for Burma shall be apportioned separately in the ratio specified in clause 3 (*b*) (*i*) between the Shan States and the remainder of Burma. The amount available may, for the present, be spent on any scheme of road development that is approved, in the case of the Shan States by the Governor after consultation with the Federal Council, and in the case of the remainder of Burma by the Local Government with the concurrence of the local legislature ; but if at any future time the question of road connection with India becomes a live issue, the position shall be reconsidered.

(6) A Standing Committee for Roads shall be constituted every year after the financial year 1929-30 consisting of one nominated official member of the Legislative Assembly, a second nominated official Member, three members elected by the Council of State from their body, and six members elected by the Legislative Assembly from their body. The member of the Governor-General's Executive Council in charge of the Department that deals with roads shall be the Chairman of the Committee ; and the members of the Committee who are members of the Legislative Assembly shall form its Finance Sub-Committee which shall be presided over by the Chairman of the Committee if he is a member of the Legislative Assembly, and otherwise by the official member of the Committee who is a member of the Legislative Assembly.

(7) the functions of the Standing Committee for Roads including that appointed in pursuance of the motion adopted in the Legislative Assembly on the 2nd September 1929 shall be—

(*i*) to consider the annual budget and accounts of the separate road development account of the Government of India ;

(*ii*) to consider all proposals submitted by Governments of Governor's provinces to the Government of India, for which grants from the road development, account are requested ; provided that the function of the Standing Committee and of its Finance Sub-Committee shall be confined to determining whether the scheme is one for which an allotment from the Central Road Development Account should be made ;

(*iii*) to advise the Government of India generally on all questions relating to roads and traffic on roads and, in particular, on—

(*a*) any action to be taken by the Government of India on the proceedings of periodical Road Conferences ;

(*b*) central research in all matters connected with Roads, road construction and maintenance ;

(*c*) statistics and intelligence, the preparation and publication of maps, and the collection and dissemination of information relating to road development, administration and finance in India and in other countries ;

(*d*) proposals other than those relating to Indian States on which it is desired to incur expenditure out of the portions of the annual grant referred to in clauses (3) (*a*) and (3) (*b*) (*ii*).

(8) All proposals for expenditure from the annual grant or its accumulated balance shall be transmitted by the Standing Committee to its Finance Sub-Committee for approval before recording its final acceptance ; and the Standing Committee shall not record its acceptance to any such proposal unless it has received the approval of the Sub-Committee. "

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

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## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, APRIL 8, 1933.

### HOME DEPARTMENT.

NOTIFICATIONS.

JAILS.

New Delhi, the 4th April 1933.

**No. F.-16/1/33.**—The services of Mr. L. V. Deane, Settlement Assistant Commissioner, Port Blair, are replaced at the disposal of the Government of the Punjab with effect from the 5th March 1933.

C. W. GWYNNE,

Joint Secretary to the Government of India.

PUBLIC.

The 3rd April 1933.

**No. F.-148/33.**—The following draft amendment which it is proposed to make, in exercise of the powers, conferred by section 5 of the Indian Red Cross Society Act, 1920 (XV of 1920) read with section 21 of the General Clauses Act, 1897 (X of 1897) in the rules published with the Home Department notification No. 2777, dated the 22nd October, 1920, and amended with Home Department notifications No. F. 176/1/23-Public, dated the 19th April, 1923, No. F. 207/29-Public, dated the 7th May, 1929, No. F. 207/29-Public, dated the 17th October, 1929, No. F. 140/31-Public, dated the 1st April, 1931, No. F. 140/31-Public, dated the 24th July, 1931, and No. F. 140/31-Public, dated the 14th October, 1931, is published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the



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Managing Body of the Indian Red Cross Society as early as possible after the 1st May 1933. Any objections or suggestions which may be received with respect to the draft will be considered by the said Managing Body :—

*Draft amendment.*

For the existing rules 5, 6, 7 and 8, the following rules should be substituted :—

" 5. A member contributing not less than Rs. 5,000 in one consolidated contribution to the funds of the Society shall be a Patron. A Patron on payment of a further sum of Rs. 5,000 may become an Honorary Vice-President.

6. A member contributing Rs. 1,000 in one consolidated contribution to the funds of the Society shall be a Vice-Patron. A Vice-Patron on payment of a further sum of Rs. 4,000 may become a Patron ;

7. A member shall pay an annual subscription of Rs. 12, but may at any time compound all future subscriptions and become a member for life on payment of Rs. 150 in one lump sum. On payment of a further sum of Rs. 850 such member shall become a Vice-Patron ;

8. An Associate Member shall pay an annual subscription subject to a minimum of one rupee and a maximum of five rupees or may at once or at any time compound all future subscriptions and become an Associate for life by paying a lump sum of Rs. 50. Such Associate Member by paying a further sum of Rs. 100 may become a full member for life."

NORAH HILL,
Organising Secretary,
Indian Red Cross Society.

C. W. GWYNNE
Joint Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATIONS.

New Delhi, the 5th April 1933.

**No. 173-I.**—In exercise of the power conferred by section 96-A of the Government of India Act, the Governor-General in Council, with the approval of the Secretary of State in Council, is pleased to declare that Mr. Rattan Raj, a subject of the Chamba State, is eligible for appointment to any Civil Office under the Crown to which a native of British India may be appointed.

**No. 177-E.**—Nawabzada Mir Saeed Alam Khan, of the Political Department, on return from leave, is posted as Under Secretary to the Hon'ble the Agent to the Governor-General, Punjab States, with effect from the afternoon of the 31st March 1933.

H. A. F. METCALFE,
Foreign Secy. to the Govt. of India.

## FINANCE DEPARTMENT.

NOTIFICATION.

New Delhi, the 4th April 1933.

**No. F.-37-III-R.-II/33.**—In exercise of the powers conferred by rules 33 (2), 37, 42 and 44 (*d*) of the Civil Services (Classification, Control and Appeal) Rules, the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Contributory Provident Fund Rules (India), namely :—

I. In rule 11 of the said rules—

(*i*) To sub-rule (4) the following proviso shall be added, namely :—

" Provided that no interest shall be paid in respect of any period after the date which the Account Officer has intimated to that person (or his agent) as the date on which he is prepared to make payment in cash, or if he pays by cheque, after the date on which the cheque in that person's favour is put in the post."

(ii) For sub-rule (6) the following sub-rule shall be substituted, namely :—

"(6) The interest on amounts which, under sub-rule (3) of rule 17, or sub-rule (8) of rule 19, or sub-rule (1) of rule 20 or sub-rule (1) or sub-rule (2) of rule 21 or rule 23 or rule 24 are replaced at the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under sub-rule (1) of this rule and so far as may be in the manner described in this rule."

II. In rule 15 of the said Rules after clause (b) the following clause shall be inserted, namely :—

"(c) any amount withdrawn under clause (b) shall be paid in whole rupees only rounded to the nearest rupee in the manner provided in sub-rule (3) of rule 8."

III. In sub-rule (3) of rule 17 of the said Rules for the figures "14" the figures "11" shall be substituted.

IV. In rule 20 of the said Rules—

(i) to clause (i) of sub-rule (1), at the end, the following shall be added, namely :—

"together with a signed notice of the re-assignment addressed to the Insurance Company";

(ii) in clause (i) of sub-rule (2)—

(a) for the word "assign" the word "re-assign" shall be substituted, and

(d) at the end the following shall be added, namely :—

"together with a signed notice of the reassignment addressed to the Insurance Company."

V. In rule 23 of the said Rules for the figures "14" the figures "11" shall be substituted.

VI. In rule 24 of the said Rules—

(i) in clause (a) after the word "retirement" the following shall be inserted, namely :—

"or, if he is employed in a vacation Department, on leave preparatory to retirement combined with vaccation";

(ii) in the proviso for the figures "14" the figures "11" shall be substituted.

J. B. TAYLOR,

Officiating Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

### NOTIFICATIONS.

CUSTOMS.

New Delhi, the 8th April, 1933.

**No. 15.**—In exercise of the powers conferred by Section 13 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to cancel the Notification of the Government of India in the Department of Finance and Commerce No. 2559, dated the 1st August 1884.

**No. 16.**—In exercise of the powers conferred by Section 23 of the Sea Customs Act 1878 (VIII of 1878), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Notification of the Government of India in the Finance Department (Central Revenues), No. 14-Customs, dated the 9th April 1932, namely :—

1. In Schedule I to the said Notification :—

(a) for the heading "G. Kathiawar" preceding Serial No. 55, the heading "G. Kathiawar and Cambay" shall be substituted ;

(b) to the entry in column 2 relating to Serial No. 55 the words " or Cambay " shall be added ;

(c) in the entry in column 3 relating to Serial No. 55 after the word "Kathiawar" wherever it occurs the words "or Cambay as the case may be" shall be inserted.

2. In Schedule II to the said notification to the entry in column 2 relating to serial number 5 the words " or in the Cambay State " shall be added.

**No. 20.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Finance Department (Central Revenues), No. 14-Customs dated the 9th April 1932, namely :—

In the said Notification, in Schedule I—Import Duties, to the entries under the head " H—Miscellaneous " the following entry shall be added, namely :—

| | | | |
|---|---|---|---|
| " 60. | Wheat imported by or on behalf of any person who is engaged in milling flour for export. | Provided that such person, before clearance of the wheat for consumption or from bond, as the case may be, has produced documentary evidence to the satisfaction of the Customs Collector that he has entered into a contract to sell an equal quantity of wheat flour to be shipped to a destination outside India before a date specified in the contract. | The whole." |

A. H. LLOYD,

Joint-Secretary to the Government of India.

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INCOME-TAX.

The 8th April 1933.

**No. 15.**—In exercise of the power conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), the Governor General in Council is pleased to exempt the classes of persons specified in the Schedule to the Notification of the Government of India in the Finance Department (Central Revenues), No. 41, dated the 26th December, 1931, from so much of the income-tax chargeable under the heads " Salaries " for the year 1933-34 in respect of the income of the year 1932-33 as is chargeable under such of the provisions of section 5 of the Finance Act, 1933 (VII of 1933), and of Schedule II thereto as correspond with the provisions specified in clauses (*a*) and (*b*) of the said Notification.

J. B. VACHHA,

Joint-Secretary to the Government of India.

## CENTRAL BOARD OF REVENUE.

NOTIFICATIONS.

CUSTOMS.

New Delhi, the 8th April, 1933.

**No. 17.**—In exercise of the powers conferred by Section 75 of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue directs that the following further amendments shall be made in the rules published with its Notification No. 45-Customs, dated the 14th September 1929, namely :—

In rule 1 of the said rules before the words ' is not included in the manifest ' *delete* the word " and " and after the said words *add* the words " and is declared in the prescribed form, unless the proper officer of Customs otherwise directs. "

**No. 18.**—In exercise of the powers conferred by Section 9 of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue directs that the following further amendments shall be made in its Notification No. 30-Customs, dated the 4th June 1927, namely :—

(i) In the second sub-paragraph of rule 39, after the words " Salt bonded may really be " *substitute* a fullstop for the comma and *delete* the rest of the sentence.

(ii) In rule 57, after the words ' Customs Officer ' where it first occurs *substitute* a fullstop for the comma and *delete* the words " but in the vernacular on tally-sheets. "

(iii) In rule 60 for the word ' them ' *substitute* the words ' these rules. '

**No. 21.**—In exercise of the powers conferred by Section 11 of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue directs that the following amendments shall be made in the Schedule appended to its Notification No. 27, dated **12th** July 1930 :—

*Substitute* the following for the entries in columns 5 and 6 against wharf No. 2 of the port of Masulipatam :—

| *Column 5.* | *Column 6.* |
|---|---|
| Dutiable firewood and all free goods except combustibles. | Landing. |
| All goods except combustibles .. | Shipping. (Preference to be given to steamers' cargo and to landing of dutiable firewood. The space within 100 yards of P. Rangiah's shed is reserved for the landing of dutiable and free firewood.) |

RAM NATH,

Secretary, Central Board of Revenue.

## DEPARTMENT OF COMMERCE.

### NOTIFICATIONS.

TARIFFS.

New Delhi, the 8th April 1933.

**No. 579-T. (3).**—In exercise of the powers conferred by section 4, sub-section (3) of the Indian Tea Cess Act, 1903 ( IX of 1903), the Governor General in Council is pleased, on the recommendation of the Indian Tea Association, to appoint Mr. R. W. B. Dunlop of Messrs. Duncan Brothers & Co., Ltd., to fill the vacancy on the Indian Tea Cess Committee caused by the resignation of Mr. J. A. Brown.

**No. 579-T. (3).**—In exercise of the powers conferred by section 4, sub-section (3) of the Indian Tea Cess Act, 1903 ( IX of 1903), the Governor General in Council is pleased, on the recommendation of the Bengal Chamber of Commerce, to appoint Mr. Gyles Mackrell of Messrs. Octavius Steel and Company, Limited, to fill the vacancy on the Indian Tea Cess Committee caused by the resignation of Mr. T. H. L. Brown.

T. A. STEWART,

Officiating Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

### NOTIFICATION.

New Delhi, the 5th April 1933.

**No. F.-24/33-A.**—In consequence of vacancies caused by the retirement of nominated members with effect from the 1st April 1933, the following have been renominated to be members of the Indian Central Cotton Committee, Bombay :—

*By the Government of Madras.*

Mr. S. V. Ramamurty, I.C.S., Director of Agriculture, Madras, to represent the Madras Agricultural Department.

*By the Government of Bombay.*

The Director of Agriculture, Bombay Presidency, to represent the Bombay Agricultural Department.

*By the East India Cotton Association.*

Sir Purshotamdas Thakurdas, Kt., C. I. E., M. B. E., to represent the East India Cotton Association.

*By the Bombay Millowners' Association.*

Mr. S. D. Saklatvala, to represent the Bombay Millowners' Association.

*By the Empire Cotton Growing Corporation.*

Mr. W. Roberts, to represent the Empire Cotton Growing Corporation.

G. S. BAJPAI,

Secretary to the Government of India.

II.—FOREIGN POSTAL ARTICLES.

5. The following rates of postage shall be chargeable on postal articles when the postage is prepaid ;—

*Letters.*

(A) for Great Britain and Northern Ireland, Egypt (including the Sudan) and the following British Possessions and Protectorates :—

Ascension, Commonwealth of Australia (comprising New South Wales, Queensland, South Australia, Victoria, Western Australia, Tasmania, Papua or British New Guinea and Norfolk Island), Bahamas, Bermuda, Bismarck Archipelago, British Guiana, British Honduras, British Solomon Islands (including Bougainville and Buka), British Somaliland, Brunei, Cameroons (British Sphere), Canada, Cyprus, Falkland Islands, Fanning Islands, Fiji Islands, Friendly or Tonga Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Gold Coast, Hongkong, Irish Free State, Kenya and Uganda, Labuan, Malay States (*viz.*, Negri Sembilan, Pahang, Perak, Selangor, Kedah, Kelantan, Perlis, Johore and Trengganu), Malta, Marshall Islands (Nauru), Mauritius, Morocco (British Agencies), Newfoundland, New Hebrides (including Banks and Torres Islands), New Zealand (with Cook Islands), Nigeria, North Borneo (State of), Nyasaland Protectorate, St. Helena, Samoa (Apia), Sarawak, Seychelles, Sierra Leone, Union of South Africa (comprising Provinces of Cape of Good Hope, Natal, Orange Free State and Transvaal), Rhodesia (Southern and Northern), Bechuana and (British and Protectorate), Basutoland, Swaziland, South-West Africa, Straits Settlements, Tanganyika Territory, Togo (British), Tristan d'Acunha, West Indies (*viz.*, Anguilla, Antigua, Barbados, Cayman Islands, Dominica, Grenada, Jamaica, Montserrat, Nevis, St. Christopher or St. Kitts, St. Lucia, St. Vincent, Trinidad and Tobago, Turks and Caicos Islands and Tortola or Virgin Islands), Zanzibar ;—

| | |
|---|---|
| For a weight not exceeding one ounce .. | Two and a half annas. |
| For every additional ounce or fraction thereof .. .. .. | Two annas. |

(B) For any other part of the world served by the Foreign Post with the exception of Ceylon and Portuguese India—

| | |
|---|---|
| For a weight not exceeding one ounce .. | Three and a half annas. |
| For every additional ounce or fraction thereof .. .. .. | Two annas. |
| (C) For Ceylon and Portuguese India .. | Indian inland rates. |

*Postcards.*

(A) For any part of the world served by the Foreign Post with the exception of Ceylon and Portuguese India—

| | |
|---|---|
| For a single postcard .. .. | Two annas. |
| For a reply postcard .. .. | Four annas. |
| For postcard sent by Air from India to Great Britain and Northern Ireland, France, Italy, Greece, Egypt, Palestine, Iraq, Siam, French Indo-China, Malay States, or the Dutch East Indies, or to any country served through air ports situated in any of the said countries .. | Four annas. |
| (B) For Ceylon and Portuguese India .. | Indian inland rates. |

*Printed papers (including newspapers and books).*

(A) For any part of the world served by the Foreign Post with the exception of Ceylon and Portuguese India—

| | |
|---|---|
| For every two ounces or fraction thereof | Nine pies |
| (B) For Ceylon and Portuguese India .. | Indian inland rates. (In the case of newspapers which for the purposes of the inland post are treated as registered newspapers, the Indian inland rates for registered newspapers apply). |

*" Blind Literature " packets.*

(A) For any part of the world served by the Foreign Post including Ceylon but with the exception of Portuguese India—

| | |
|---|---|
| For a weight not exceeding two pounds .. | Nine pies. |
| For every additional two pounds up to ten pounds .. .. | Nine pies. |
| For a packet exceeding ten pounds and up to eleven pounds.. .. | Four and a half annas. |
| (B) For Portuguese India .. .. | Indian inland rates. |

*Business papers (legal and commercial documents).*

(A) For any part of the world served by the Foreign Post with the exception of Ceylon and Portuguese India—

| | |
|---|---|
| For a weight not exceeding ten ounces .. | Three and a half annas. |
| For every additional two ounces or fraction thereof .. .. | Nine pies. |
| (B) For Ceylon and Portuguese India .. | Indian inland rates. |

*Sample packets.*

(A) For any part of the World served by the Foreign Post with the exception of Ceylon and Portuguese India—

| | |
|---|---|
| For a weight not exceeding four ounces .. | One and a half annas. |
| For every additional two ounces or fraction thereof.. .. .. | Nine pies. |
| (B) For Ceylon and Portuguese India .. | Indian inland rates. |

*Insured boxes.*

| | |
|---|---|
| For a weight not exceeding ten ounces .. | Eleven annas. |
| For every additional two ounces or fraction thereof ... ... | Two annas and three pies. |

The Director-General shall, from time to time, declare in the *Post and Telegraph Guide* the countries and places to which insured boxes can be transmitted by the Foreign Letter Post.

*Parcels.*

The Director-General shall, from time to time, declare in the *Post and Telegraph Guide* the countries and places to which parcels may be transmitted by the Foreign Post, and the rates of postage chargeable in each case.

In the case of Ceylon, the Indian inland rates of postage shall be applicable provided that prepayment of postage and registration fee shall be obligatory.

6. The following Air Mail Fees shall be chargeable in addition to postage, and in the case of a registered article in addition to the postage and registration fee, on any article of letter mail, unregistered or registered, posted in India or at an Indian post office on the Mekran Coast or at Behrein, Muscat or Dubai for transmission by air by a route mentioned in the Schedule.

*Schedule of Air Mail Fees.*

| Route. | Rate per half ounce or part thereof. Annas. |
|---|---|
| (*i*) Karachi-Kenya and Uganda .. .. .. .. .. | 8 |
| (*ii*) India (except Karachi)-Kenya and Uganda .. .. .. .. | 10 |
| (*iii*) Karachi-Tanganyika .. .. .. .. .. | 8 |
| (*iv*) India (except Karachi)-Tanganyika .. .. .. .. | 10 |
| (*v*) Karachi-Rhodesia .. .. .. .. .. | 12 |
| (*vi*) India (except Karachi)-Rhodesia .. .. .. .. | 14 |
| (*vii*) Karachi-South Africa .. .. .. .. .. | 14 |
| (*viii*) India (except Karachi)-South Africa .. .. .. | 16 |
| (*ix*) Karachi-Iraq .. .. .. .. .. | 3 |
| (*x*) Bahrein-Iraq .. .. .. .. .. | 2 |
| (*xi*) India (except Karachi)-Iraq .. .. .. .. | 5 |
| (*xii*) Karachi-Palestine .. .. .. .. .. | 4 |
| (*xiii*) India (except Karachi)-Palestine .. .. .. .. | 6 |
| (*xiv*) Karachi-Egypt .. .. .. .. .. | 4 |
| (*xv*) India (except Karachi)-Egypt .. .. .. .. | 6 |
| (*xvi*) Karachi-Greece .. .. .. .. .. | 6 |
| (*xvii*) India (except Karachi)-Greece .. .. .. .. | 8 |
| (*xviii*) Karachi-Italy .. .. .. .. .. | 6 |
| (*xix*) India (except Karachi)-Italy .. .. .. .. | 8 |
| (*xx*) Karachi-France .. .. .. .. .. | 6 |
| (*xxi*) India (except Karachi)-France .. .. .. .. | 8 |
| (*xxii*) Karachi-England .. .. .. .. .. | 6 |
| (*xxiii*) India (except Karachi)-England .. .. .. .. | 8 |
| (*xxiv*) Perth-Adelaide .. .. .. .. .. | 3 |
| (*xxv*) India-Siam .. .. .. .. .. | 4 |
| (*xxvi*) India-Kedah .. .. .. .. .. | 5 |
| (*xxvii*) India-French Indo-China .. .. .. .. | 5 |
| (*xxviii*) India-Netherlands East Indies .. .. .. .. | 7 |
| (*xxix*) Karachi Persia .. .. .. .. .. | 2 |
| (*xxx*) India (except Karachi)-Persia .. .. .. .. | 4 |

NOTE 1.—On any article of the letter mail, registered or unregistered, posted at Aden for transmission by Air from Cairo to any port of call in Europe, Iraq or Africa the following air mail fees shall be chargeable in

addition to the ordinary postage, and in the case of a registered article in addition to the postage and registration fee.

| | Rate per half ounce or part thereof. |
|---|---|
| | Annas. |
| (i) Europe and Iraq .. .. .. .. .. .. | 3 |
| (ii) Kenya, Uganda and Tanganyika Territory .. .. .. | 7 |
| (iii) Northern and Southern Rhodesia and Portuguese East Africa .. .. | 9 |
| (iv) Union of South Africa .. .. .. .. .. .. | 12 |

NOTE 2.—The prepayment of Air mail fees is obligatory.

7. (1) The following rates of postage shall be chargeable on the delivery of postal articles, other than parcels and insured boxes received by the Foreign Post, when the postage is not prepaid or is insufficiently prepaid :—

| | |
|---|---|
| When the postage is not prepaid .. .. .. | Double the prepaid-rate. |
| When the postage is insufficiently prepaid .. .. | Double the deficiency. |

Provided that the postage actually charged shall in no case be less than one anna and three pies.

(2) For clearance through the Customs, a fee of four annas recoverable from the addressee shall be levied on all foreign letters, parcels and insured boxes imported by post into British India on which import customs duty is payable.

## PART II.—MAIN CONDITIONS OF TRANSMISSION BY POST OF POSTAL ARTICLES.

### I.—INLAND POSTAL ARTICLES.

*Letters.*

8. Letters may be transmitted by post with or without prepayment of postage. Unpaid letters, with or without covers, shall be securely closed by the senders, and any such letter posted without having been securely closed, shall be forwarded for disposal to the office of the Postmaster-General to be destroyed forthwith in accordance with rule 210.

9. When non-inflammable or "Safety" cinematograph films are sent by the letter post, they shall be contained in a substantial metal case and the metal case shall be packed in a strong wooden or cardboard container and a label bearing the words "This contains non-inflammable films only" printed in red type or written in bold hand in red ink shall be affixed to the outside of each packet.

10. The Director-General may, in special circumstances, prescribe a limit of weight for letters for and from any particular post office or offices.

*Postcards.*

11. Single and reply cards of private manufacture may be transmitted by post as postcards :—

Provided that—

(a) the postage is prepaid in full,

(b) as regards size, they are not more than 5½ by 3½ inches or less than 4¾ by 3 inches, and

(c) as regards substance, they are neither thinner nor more flexible than the inland postcards issued by the Post Office.

12. All reply postcards of private manufacture shall display the title "Postcard" on the address-side, but this title is not obligatory for single cards of private manufacture. Reply halves, of reply-paid cards shall bear the words "Postcards" and "Reply". Whatever is printed on the address-side of the inland or international official postcards issued by the Post Office is also permissible on the address-side of cards of private manufacture.

13. (1) A postcard shall not be folded, cut, or otherwise altered, except that the impressed postage stamp (if any) may be perforated with initials : nor may a postcard be enclosed in cover of any kind.

(2) The right-hand half of the address-side of a postcard is in all cases reserved for the address of the recipient, for the postage stamp or impression of stamping machine necessary for prepayment, which should, so far as possible, be affixed in the upper right-hand corner, and for the postal directions "Registered" and "Acknowledgment due" but the left-hand half of the address-side, as well as the back, may be used by the sender for the purpose of a written communication, or may be otherwise disposed of, subject to the restrictions mentioned in clause (3) of this rule.

NOTE 1.—Although the vertical line drawn on the address-side of the inland postcards issued by the Post Office, bearing the portrait of His Majesty King George V, on the impressed stamp does not divide that side into two *equal* parts the divisions so made shall be taken to represent the "right hand half of the address-side" and the "left-hand half of the address-side" for the purpose of this rule.

NOTE 2.—A small space marked off by fine lines or minute dots to indicate the place where the postage stamp should be affixed is allowed on the upper right-hand corner of the address-side of postcards.

(3) Nothing shall be attached to a postcard except :—

(*a*) stamps in payment of postage or other postal fees or stamp duty ;

(*b*) a gummed label completely adherent to the card, and bearing the name and address of the person to whom the card is sent ;

(*c*) a similar label not exceeding 2 inches in length and ¾ inch in width bearing the name and address of the sender of the card ; and

(*d*) engravings, illustrations, drawings, and photographs on very thin paper and completely adherent to the card.

Stamps in payment of stamp duty may be affixed only to the back of the postcard. The articles specified in clauses (*c*) and (*d*) may be affixed either to the back or the left-hand half of the address side.

(4) The reply-halves of reply-paid cards cannot be registered by the original senders of such cards.

14. Should a postcard be posted without the postage having been prepaid in full, it shall be forwarded to the office of the Postmaster-General to be destroyed forthwith. Should either portion of a reply postcard be posted without the postage having been prepaid, that portion shall be forwarded to the office of the Postmaster-General to be destroyed forthwith. Should any of the other conditions imposed by rules 11, 12 and 13 be infringed, the postcard shall be treated as a letter.

*Express delivery unregistered letters and postcards.*

15. (1) Unregistered letters and postcards may be transmitted by post for express delivery to any place not more than five miles distant from a telegraph office.

(2) Express delivery letters and postcards shall be conspicuously marked on the address-side with the words "Express Delivery" and the fee for express delivery shall be prepaid by the sender by means of postage stamps or impressions of stamping machines affixed to, or impressed on, the letter or postcard.

(3) Express delivery shall not be made of any postal article, whether it does or does not satisfy the provisions of sub-rule (2), to any place more than five miles distant from a Telegraph office.

(4) Notwithstanding anything contained in rule 8, express delivery shall not be made of any postal article if both the postage and the express delivery fee thereon have not been fully prepaid.

*Business Reply Envelopes and Cards.*

16. (1) "Business Reply Cards" and "Business Reply Envelopes" shall subject to the provisions of this rule, be transmitted by post without prepayment of postage, and postage thereon shall be collected in cash from the addressee on delivery.

(2) Persons desiring the privilege of sending out Business Reply Cards and Envelopes for return to them shall make application to the Postmaster at the office to which the cards or envelopes are to be returned, who shall transmit the application to the Postmaster-General and await the receipt of a permit.

(3) The fee for the permit shall be Rs. 10 which shall be recovered in advance from he applicant. The permit shall remain in force for one year only from the date of issue, but may be renewed for further periods of one year on payment of a fee of Rs. 10 in respect of each renewal. The permit shall be cancelled if there be a default in the payment of the postage due on such cards and envelopes.

(4) Business Reply Cards shall conform in size, form and quality to the conditions prescribed for postcards of private manufacture, *i.e.*, they shall not be more than 5½ by 3½ inches or less than 4¼ by 3 inches and shall neither be thinner nor more flexible than the inland postcards issued by the Post Office.

(5) Business Reply Cards and Envelopes shall be furnished by the user, and shall bear on the address side (*a*) the printed name and address of the person or concern to whom they are to be delivered, (*b*) the permit number, (*c*) the name of the post office issuing the permit, (*d*) the words "Business Reply Envelope" or "Business Reply Card", (*e*) the inscription "No postage stamp necessary if posted in India" and (*f*) the words "Postage will be paid by addressee." Sufficient space shall be left for postmarking at the top of the card or envelope.

(6) Business Reply Cards may be sent out as reply portions of double postcards or may be enclosed with other matter, but Business Reply Envelopes shall be enclosed with other matter.

(7) When Business Reply Cards and Envelopes are returned to the office of origin, they shall be delivered to the person for whom they are intended on payment of the postage chargeable thereon.

*Book Packets.*

17. A book packet may contain—

(1) Newspapers, publications of all kinds, printed music, books, paper, parchment and cardboard, either blank or printed, not bearing any writing except as follows :—

(*a*) in the case of books and complimentary cards (such as Christmas, New Year, Birthday, Id and Bijoya cards), the name of the person to whom sent or presented, the name and address of the sender or owner, date, and not more than five words or initials of a complimentary nature or signifying presentation ;

(*b*) in the case of invoices, bills of lading and receipts (for goods or money) on printed forms, the necessary manuscript entries;

(*c*) in the case of printed notices, printed circulars (*i. e.* printed notices and printed letters), and printed invitations, the date and hour of the occasion to which they relate, the name and address of the addressee, the name of the sender and, in the case of notices of a meeting, the object of the meeting ;

(*d*) in the case of printed notices for payment of premia posted by Insurance Companies, dates, name and address of the insurant, number of policy, amount and reference number and letters ; and

(*e*) proof corrections in proof-sheets and music sheets, and corrections of printing errors in other printed matter ;

(2) pictures, plans, maps and drawings, whether done by hand or any mechanical process, photographs and engravings, not bearing any writing except a signature, a date and description or dedication not exceeding five words ;

(3) business, commercial or legal documents drawn wholly or partly by hand, *e.g.*, deeds, accounts, powers of attorney, proposals for insurance, insurance policies ;

(4) manuscripts for press and manuscript music ;

(5) licenses, statistical returns sent by or to officials by their designation only, and Revenue and Judicial processes sent by Courts to Presidents of Union Boards, President Punchayats and Presidents of Chaukidari Unions and *vice versa* ;

NOTE.—Court summonses, notices and similar documents issued by a Criminal or Civil Court, whether sent from the court of issue or returned to it direct, or through the medium of another court, Government Office, or railway administration, as well as Police diaries cannot be sent at book-packet rates.

(6) written letters of old date which have previously passed through the post a[n]d served their original purpose ;

(7) documents wholly or partly printed in imitation of typewriting, or reproduced from a manuscript or typewritten original by any mechanical process of polygraphy such as chromography, mimeography provided that (*i*) they are handed in at the post office counter or window, (*ii*) the special attention of the counter or window clerk is drawn to the fact that they are documents of the kind mentioned in this sub-clause, and (*iii*) at least 20 precisely identical copies are posted at the same time.

*Explanation.*—By "Printing" is meant any species of typeprinting easy to recognise, lithography, hand stamping or any mechanical process, except the copying press and the typewriter, ordinarily used to produce a number of identical copies of written matter and easy to recognise. "Writing" includes type-writing and any mechanical or other process ordinarily used to produce a single document.

18. With any of the articles mentioned in rule 17 may be sent anything that is necessary for their safe transmission through the post, such as rollers, etc., and any legitimate binding, mounting, or covering, loose or attached, and anything that ordinarily appertains to such articles, as pens and pencils in the case of a pocketbook, photographs, in the case of a photograph book, and card plates in the case of visiting cards.

*Prohibitions.*

19. (*a*) No communication of the nature of a letter or having the character of a personal communication shall be enclosed in or written upon a book packet except to the extent specified in rule 17.

(*b*) No card bearing the heading " Postcard " shall be transmitted open as a book packet.

(*c*) A book packet shall not contain " paper money ", which for the purposes of this rule includes unobliterated postage or other stamps, currency notes, hundies, cheques, bank-notes, bankpost bills, bills of exchange, and all orders or authorities for the payment of money ; provided that a book packet may contain one stamped and addressed envelope, postcard or wrapper bearing the name and address of the sender of the packet, or some other person named thereon.

20. (1) The dimensions of a book packet, which may be of any shape, shall not exceed two feet in length by one foot in width and one foot in depth. When, however, the packet is in the form of a roll, the length shall not exceed thirty inches :

Provided that, if the length exceeds twenty-four inches (two feet) the diameter shall not exceed four inches.

(2) Printed papers sent open in the form of cards, whether folded or not shall be subject to the same minimum limits of dimensions as postcards of private manufacture, the maximum being the same as that prescribed for book packets in sub-rule (1).

21. The Director-General may, in special circumstances, prescribe a limit of weight for book packets for and from any particular post office or offices.

22. A book packet shall be posted without a cover, or in an unfastened envelope, or in a cover which can be easily removed for the purpose of examination without breaking any seal or tearing any paper or separating any adhering surfaces. A packet posted without a cover may not be fastened or otherwise treated so as to prevent easy examination.

23. If a book packet is found to contain anything not permitted by the rules, or to be in excess of the prescribed size, or to be packed in a manner not in accordance with the rules, it shall be charged on delivery with letter or parcel postage, whichever may be less. Any postage paid on it shall, however, be taken into account in assessing the charge.

*Pattern Packets.*

24. (1) A pattern packet may contain *bonâ fide* trade patterns or samples of merchandise not having any saleable value, together with, or without, any matter which may be sent as a book packet. There shall be no writing upon or in a pattern packet, except the name and address of the sender, the name and address of the person for whom it is intended, a trade mark, numbers, prices, and indications as to the weight, size, or quantity to be disposed of.

(2) Objects of natural history, dried or preserved animals and plants, geological specimens and other similar objects shall also be admitted to transmission by post at the rates of postage for pattern packets, provided that they are not sent for a commercial purpose, and that they are packed in the manner prescribed for pattern packets generally.

25. The dimensions of a pattern packet shall not exceed two feet in length by one foot in width and one foot in depth ; and the weight shall not exceed two hundred tolas :

Provided that the Director-General may, in special circumstances, fix a lower limit of weight for pattern packets, for and from any particular post office or offices.

26. (1) A pattern packet shall be posted without a cover, or with a cover open at both ends, or in an unfastened envelope or other cover which can be easily removed so as to admit of a ready examination of the contents.

(2) Samples of seeds, drugs and other articles which cannot be sent in unfastened or removeable envelopes may be sent enclosed in boxes or bags, provided that they are fastened in such a way that they can be easily opened ; they may also be sent in air-tight cases, when necessary, provided that the nature of the contents is certified on the cover under the full signature and address of the sender.

(3) Articles of glass or other fragile material shall be securely packed (in boxes of metal, wood, or strong corrugated card-board) in such a way as to prevent all risk of injury to the mails or to the officers of the Post Office.

(4) Liquids, oils and substances which easily liquefy shall be enclosed in receptacles hermetically sealed. Each receptacle shall be placed in a special box of metal or of strong wood or of strong corrugated card-board, containing saw-dust, cotton, or spongy material in sufficient quantity to absorb the liquid in case the receptacle be broken. The lid of the box shall be fastened down in such a manner that it will not easily be detached.

(5) Fatty substances which are not easily liquefied, such as ointments, soft soaps, resins, etc., shall be enclosed in an inner cover (box, bag of linen or parchment, etc.), which shall itself be placed in a second box of wood, metal or strong and thick leather.

(6) Dry powders, whether dyes or not, shall be placed in card-board boxes, which themselves shall be enclosed in a bag of linen, or parchment.

(7) Live bees shall be enclosed in boxes so constructed as to prevent all danger and to allow the contents to be ascertained.

27. (1) If a pattern packet is found to contain anything not permitted by the rules, or to be in excess of the prescribed size or weight, or to be packed in a manner not in accordance with the rules, it shall be charged on delivery with letter or parcel postage, whichever may be less. Any postage paid on it shall, however, be taken into account in assessing the charge.

(2) If a packet containing samples of any of the articles mentioned in clauses (3) to (7) of rule 26 is not packed in the manner prescribed therein, it shall not be forwarded.

*"Blind Literature" packets.*

28. Papers of any kind, periodicals, and books impressed in "Braille" or other special type for the use of the blind, shall be transmitted by post as "blind literature" packets, provided that they are posted in accordance with the following conditions :—

(a) The packet shall consist only of articles specially impressed as described above for the use of the blind, and shall not contain any communication either in writing or printed in ordinary type, except the title and table of contents of the book or periodical, and any key to, or instructions for, the use of the special type, or any enclosure except a label for the return of the packet.

(b) The packet shall bear on the outside the inscription "Literature for the blind," and the written or printed name and address of the sender.

(c) The packet shall be posted either without a cover, or in a cover open at both ends which can easily be removed for the purpose of examination.

(d) The dimensions of the packet shall not exceed two feet in length by one foot in width and one foot in depth ; and the weight shall not exceed 400 tolas or any lower limit that may be prescribed by the Director-General in respect of book packets for and from a particular post office or offices.

29. Should any of the conditions imposed by rule 28 be infringed, the packet (unless it is admissible as an ordinary packet) shall be charged on delivery with letter or parcel postage, whichever may be less. Any postage paid on the packet shall, however, be taken into account in assessing the charge.

*Registered Newspapers.*

30. (1) Newspapers as defined in section 9 of the Act shall be transmitted by post as registered newspapers provided that they comply with the following conditions :—

(a) The newspaper shall have been registered in the office of the Postmaster-General, or officer exercising the powers of the Postmaster-General, of the Postal Circle in which it is published, and the period for which its registration or the last renewal thereof as the case may be remains in force shall not have expired.

(b) The full postage shall be prepaid.

(c) The newspaper shall bear in print in any convenient place either on the first or last page the word "Registered" followed by the registration number which has been assigned to it by the Postmaster-General or other Officer referred to in condition (a).

(*d*) The newspaper shall be posted at the place of publication by the proprietor manager, or publisher.

(*e*) Every copy or bundle of copies of the newspaper shall be posted without wrapper, or with a wapper open at both ends which can be easily removed for an inspection of the newspaper, or in an unfastened envelope.

(*f*) There shall be no word printed on the newspaper after its publication or upon the cover (if any) thereof nor shall any writing or mark be made upon it or upon the cover (if any) thereof, except the name and address of the person to whom it is sent, and, if desired, the subscriber's number and the name and address of the newspaper, or of the sender.

(*g*) There shall be no paper or thing enclosed in or with any such newspaper other than an extra or supplement as specified in section 9 of the Act.

(*h*) The registration number shall not be printed on the wrapper.

(2) An application for the first registration of a newspaper for the purposes of clause (*a*) of sub-rule (1) shall, save in the case of a newspaper printed or published under the orders of Government or for official purposes, be accompanied by—

(*i*) a certificate from the District, Presidency or Sub-Divisional Magistrate within whose local jurisdiction the newspaper is printed or published or the printer or the publisher resides, that the declaration or declarations required by section 5 of the Press and Registration of Books Act, 1867 (XXV of 1867), has or have been made, or in the case of a newspaper published in an Indian State, by a recommendation in writing from the Political Officer concerned in support of the application.

(*ii*) a list showing the names and addresses of at least fifty subscribers.

(3) A first registration effected before the 1st April 1932 shall remain in force till the 31st December 1932, and the first renewal thereof shall remain in force till the 31st December 1933. A first registration effected on or after the 1st April 1932 shall remain in force till the 31st December of the calendar year following that in which it was effected. Save as hereinbefore provided every renewal of a first registration or of a renewal shall remain in force for one calendar year.

(4) Nothing in this rule shall be deemed to prevent newspapers from being transmitted by post, either singly or otherwise, at the rates and under the conditions prescribed for book packets, and if a newspaper sought to be transmitted by post as a registered newspaper fails to comply with any of the condition specified in sub-rule (1), it shall be transmitted by post at the said rates and under the said conditions.

*Parcels.*

31. A parcel may contain one (but shall not contain more than one) written communication of the nature of a letter, or having the character of personal communication ;

Provided that the communication shall be addressed only to the addressee of the parcel itself.

32. The Postmaster-General may suspend, at any time, the despatch of parcels to and from any particular office or offices.

33. A parcel shall not exceed 440 tolas in weight, unless it is registered, in which case the weight shall not exceed 10 seers (800 tolas). A parcel shall not be o a kind which, owing to size, shape manner of packing, or any other cause, cannot be carried by post without serious inconvenience or risk.

34. The Director General may, in special circumstances, prescribe a lower limit of weight than 800 tolas for all classes of parcels for and from any particular post office or offices.

35. (1) A parcel shall be packed and enclosed in a reasonably strong case, wrapper, or cover, fastened in a manner calculated to preserve the contents from loss or damage in the post, to prevent any tampering therewith and to protect other postal articles from being damaged in any way thereby.

(2) Liquids and substances which liquefy easily shall be despatched in a double receptacle. Between the first receptacle (bottle, flask, pot, box, etc.) and the second (which shall be a box of metal or of strong wood) some space shall be left to be filled with saw-dust, bran, or some other absorbing material in sufficient quantity to absorb all the liquid contents in the event of breakage.

(3) Live bees shall be enclosed in suitable cases and so packed as to prevent all risks of injury to other postal articles in course of transmission by post or to officers of the Post Office.

36. Human and other viscera may be transmitted by post to Chemical Examiners for analysis subject to the following conditions :—

(a) The suspected viscus or other material to be sent for examination shall be enclosed in a glass bottle or jar, fitted with a stopper or sound cork.

(b) Great care shall be taken that the stopper or cork of the bottle fits tightly. This precaution is specially necessary when alcohol is used as a preservative ; in such cases a ring of bee's wax or candlewax shall be placed round the lip of the bottle so as to cover the shoulder of the stopper. The stopper shall be carefully fastened down with bladder or leather and sealed.

(c) The glass bottle or jar shall then be placed in a strong wooden or tin box, which shall be large enough to allow of a layer of raw cotton, at least three fourths of an inch thick, being placed between the bottle or jar and the box.

(d) The box itself shall be encased in cloth, which shall be securely closed and sealed. The seals shall be at intervals not exceeding three inches along each seam. All the seals shall be of the same kind of wax and shall bear distinct impressions of the same device. The device shall not be that of a current coin or merely a series of straight, curved or crossed lines.

37. Cultures or other articles known or believed to contain the living germs of plague may be transmitted by the Inland post subject to the following conditions :—

(a) Such cultures or other articles aforesaid shall not be accepted for transmission unless they are sent by a Commissioned Medical Officer, a Military Assistant Surgeon or a Medical Practitioner in possession of a qualification not lower than that of L. M. S. of the University of Calcutta the Punjab, Madras or Bombay, or by a person specially permitted by the Governor-General in Council or a Local Government to send such cultures or other articles ; nor unless they are consigned to a Government Laboratory, or to a person specially permitted by the Governor-General in Council, or a Local Government, to receive such cultures or other articles.

(b) The cultures or other articles aforesaid shall be securely packed in a hermetically closed tin of adequate strength which shall be placed in a strong outer box of wood or tin with a layer of at least three-quarters of an inch of raw cotton wool between the inner and outer case.

(c) The outer case shall be enclosed in a stout cloth, which shall be securely fastened and sealed and labelled with such distinguishing inscription as will suffice to make immediately manifest the nature of the contents.

(d) The sender shall present the parcel at the post office accompanied by a declaration as to the nature of its contents, and a certificate signed by himself to the effect that he has advised the addressee of its despatch and that such addressee, if the parcel should not be addressed to a Government Laboratory, has been specially permitted by the Governor-General in Council, or a Local Government, to receive such cultures or other articles. The certificate, moreover, shall show on its face that the sender is a person authorised within the meaning of clause (a) of this rule to send such cultures or other articles.

38. Strong smelling articles (*e.g.*, assafœtida) shall be enclosed in a hermetically sealed case of tin or other metal.

39. Celluloid and articles made wholly or partly of celluloid, such as cinematograph and photographic films, shall be packed in a strong wooden box and a label bearing the word " Celluloid " in bold letters shall be affixed to the parcel.

40. Osmic acid (Osmium tetroxide) may be transmitted by the Inland post subject to the following conditions :—

(a) The acid shall be securely packed in a hermetically sealed stout glass capsule which shall be embedded in the centre of a tin case filled with fine sand in such a manner as to leave a layer of sand of not less than one and three-quarter inches between any part of the glass capsule and the inside of the tin case.

(*b*) The outside of the tin case shall be labelled in red letters one-quarter of an inch high "OSMIC ACID DANGEROUS TO HANDLE."

(*c*) The tin case shall be soldered down and placed in an outer box of wood of reasonable strength with a layer of at least one inch of raw cotton wool between the inner tin case and the outer wooden box.

(*d*) The outside of the wooden box shall also be labelled in red letters "OSMIC ACID."

(*e*) The quantity of the acid enclosed in a capsule shall not exceed two grammes and not more than one capsule shall be inclosed in a parcel.

41. The postage on a parcel shall be fully prepaid. Postage stamps shall be affixed to, or impressions of stamping machines taken on, the cover of a parcel or an official label which can be obtained free at the post office. In cases where postage stamps are used, the sender or his messenger shall affix the stamps himself.

42. (1) Every parcel intended for transmission by post shall be presented at the window of the post office. Any parcel found in a letter-box shall be treated and charged as a registered parcel.

(2) If a parcel containing any of the articles mentioned in clauses (2) and (3) of rules 35 and in rule 36, 37, 38 and 39 is not packed in the manner prescribed therein, it shall not be forwarded.

43. (1) Every parcel posted at or addressed to Aden shall be accompanied by a declaration in such form as may be, from time to time, prescribed by the Director-General, containing a statement signed by the sender, as to the nature of its contents and their value.

(2) This rule shall apply also to parcels posted at or addressed to such other places as the Director-General may, from time to time, notify in the *Post and Telegraph Guide*, as requiring declarations to be presented with them.

*Prohibited articles.*

44. (1) Gold coin or bullion, or both of a value exceeding Rs. 700 shall not be transmitted by post.

(2) The transmission of gold or silver coin or bullion by post to and from Aden shall be subject to the same restrictions as are imposed on its transmission by the foreign parcel post.

(3) Gold or silver coin or bullion shall not be transmitted by post to or from Duki, Loralai, Sinjawai or Fort Sandeman.

(4) Circulars relating to lotteries shall not be transmitted by post.

(5) Pearls or gold or silver coin or bullion shall not be transmitted by post from any of the British Indian post offices in the Persian Gulf.

(6) Postal articles of the Letter Mail landed in British India under arrangements in force with Great Britain and Northern Ireland or with any British Prossession or foreign country for the transmission by post of postal articles between British India and Great Britain and Northern Ireland or such possession or country shall not be transmitted by post within British India if they contain coin, bullion, precious stones, jewellery, articles of gold or silver or other articles liable to customs duty, unless and until the customs dutys, if any, payable thereunder has been paid.

45. If a postal article in course of transmission by post is actually found to contain any of the articles, the transmission of which by post is prohibited by rule 44, it shall be returned to the sender.

46. (1) No article shall be transmitted by post which has thereon, or on the cover thereof, any matter which is prejudicial to the maintenance of law and order or which is in furtherance of a movement which in the opinion of the Governor-General in Council is prejudicial to the maintenance of law and order, or any matter which tends directly to cause loss or injury, to any community or class of persons whatsoever.

(2) If any article in course of transmission by post is found to contravene the provisions of sub-rule (1), it shall be sent to the office of the Postmaster-General, and shall be there dealt with in the manner provided in section 39 and rules 210 to 214, as if it were an undelivered postal article which cannot be disposed of under section 37 or section 38.

*Re-direction of postal articles.*

47. (1) Save as otherwise provided in rule 49, a postal article re-directed to any place served by the Inland post by an officer of the Post Office or by an agent of the addressee after its delivery shall be transmitted by post free of charge in respect of such further transmission :

Provided that—

(*a*) in the case of an unregistered article re-directed by an agent of the addressee,—the article has not been opened and has been either returned to the postman or re-posted at the place of delivery ; and

(*b*) in the case of a registered article re-directed by an agent of the addressee,—the article has not been opened and has been returned to the postman at the place of delivery with the receipt unsigned.

(2) Where a postal article is re-directed to any place under the first paragraph of this rule, the postmaster at such place may, if authorised by a general or special order in this behalf issued by the Postmaster-General, require the addressee of the re-directed article to give, at the time of delivery, a receipt for such article.

48. (1) A postal article re-posted after having been opened, or re-posted at any place other than the place at which it was delivered, shall be treated as a postal article posted for the first time, and charged with postage accordingly. A registered article of which delivery has been taken can be re-posted only under the conditions prescribed for the posting of registered articles for the first time, except that, subject to the provisions of rule 49, no fresh charge shall be made on account of postage if the article has not been opened.

(2) If an officer to whom a postal article has been delivered in pursuance of an order made under section 26 of the Act returns the article to the post office with a view to its transmission either to the original sender or to the original addressee, the article shall, provided it is suitably packed and addressed, be transmitted to its destination by post free of further charge on account of postage.

49. A parcel re-directed to any place served by the Inland post shall save where the original address and the substituted address are within the delivery area of the same post office, or are within the same post town, be chargeable in respect of each re-direction with further postage amounting to half the prepaid rate.

II.—FOREIGN POSTAL ARTICLES.

50. The Director-General shall, from time to time, notify in the *Post and Telegraph Guide* the conditions in force for the transmission of postal articles by the Foreign post :

Provided that the rules relating to inland registered newspaper shall be deemed to apply in the case of newspaper sent to Ceylon or Portuguase India.

51. Every parcel or insured box handed to the Post Office for transmission by the foreign post shall be presented at the post office with a declaration, in such form as may by from time to time, prescribed by the Director-General, containing a statement signed by the sender as to the nature of its contents and their value. No such parcel or insured box shall be accepted if it is so small or so covered with writing or sealing wax, or otherswise made up in such a manner, as to render it impracticable to affix to some part of it the form of declaration prescribed by the Director-General in addition to the official labels to be applied to the address-side of the parcel or insured box.

*Explanation.*—This rule shall not apply to a parcel or insured box which has a address-label tied to it, provided that the label is not so small or so covered with writing a to render it impracticable to affix to one side of the label the form of declaration prescribed by the Director-General in addition to the official labels to be applied to the address-side.

52. (1) Coin or bullion exceeding £5 in value, not being coin clearly intended for purposes of ornament, shall not be transmitted within British India by the foreign letter or the foreign parcel post.

(2) If a postal article in course of transmission within British India by the foreign letter or the foreign parcel post is found to contain coin or bullion, exceeding £25 in value, exclusive of coin clearly intended for purposes of ornament, it shall be returned to the sender.

*Correspondence sent by ships other than mail ships.*

53. Unregistered foreign correspondence marked by the sender for despatch by a ship, not being a mail ship, shall be forwarded by such ship provided that the postage is fully prepaid. If the postage chargeable on such correspondence so marked is not fully prepaid the correspondence shall be returned to the sender who shall be required to pay any deficiency in the internal postage.

*Treatment of postal articles fro abroad bearing fictitious or previously used stamps.*

54. Where a postal article has been received by post from any place beyond the limits of British India, bearing a fictitious or previously used postage stamp and the addressee of such postal article has failed to attend, by himself or his agent, at the post office of delivery within the time specified in the notice sent to him in that behalf, or, having so attended, has refused to make known the name and address of the sender or to re-deliver the postal article or such portion thereof as may be required under section 27 of the Act, and, in consequence of such failure or refusal, the postal article has not been delivered to the addressee or his agent, the postal article shall be disposed of in the following manner :—

The officer in charge of the post office at which the postal article has been received for delivery shall record a statement, in such form as the Director-General shall prescribe, setting forth action taken by him under provisions of section 27 of the Act, and the fact of such failure or refusal as aforesaid on the part of the addressee or his agent; and shall forward the statement together with the postal article, through the usual channel, to the Director-General.

The Director-General shall then, in due course, transmit the statement together with the postal article, to the Postal Administration of the place beyond the limits of British India from which the article was received.

III.—AIR MAIL ARTICLES.

55. Letters, postcards and packets may be accepted at any post office for transmission by air, subject to such exceptions as the Director-General shall, from time to time notify in the *Post and Telegraph Guide*.

56. In addition to the ordinary postage and, in the case of registered articles, the registration fee, a further fee shall be chargeable on all articles intended for transmission by air in accordance in the case of inland postal articles with the Notes to Rule 2, and in the case of foreign postal articles with the *Schedule of air fees* appended to the Note to rule 6.

57. The use of the special stamps which are issued for prepaying the air mail fee or the postage, registration fee and the air mail fee combined, on an air mail article, shall be optional. Such stamps shall not be recognised by the Post Office in payment of postage on articles for transmission by routes other than by air.

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PART III.—REGISTRATION OF POSTAL ARTICLES.

I.—INLAND POSTAL ARTICLES.

58. Letters, postcards, book and pattern packets, parcels and newspapers prepaid with postage at newspaper rates of postage may be registered at any post office for transmission by post to any other post office.

59. In addition to the postage, a fee of three annas shall be charged for the registration of any postal article.

60. The prepayment of the postage and registration fees shall be compulsory in the case of all registered articles.

61. An article intended for registration shall be presented at the window of the post office. No such article shall be accepted for registration if it is so small or so covered with writing or sealing-wax on the address-side, or otherwise made up in such a manner, as to render it impracticable to affix to the article the official labels prescribed by the Director-General.

*Explanation.*—This rule shall not apply to an article which has an address-label tied to it, provided that the label is not so small or so covered with writing on the address-side as to render it impracticable to affix to that side the official labels prescribed by the Director-General.

62. A receipt shall be given to the person who presents an article for registration at the post office window during the hours prescribed for posting registered articles.

63. No registered article shall be delivered to the addressee unless and until he or his agent has signed a receipt for it in such form as the Director-General shall prescribe.

64. If the sender of a registered article pays at the time of posting the article a fee of one anna in addition to the postage and registration fee, there shall be sent to him on the delivery of the article a form of acknowledgment which shall be signed by the addressee or if the addressee refuses to sign shall be accompanied by a statement to the effect that the addressee has refused to sign.

65. The sender of a registered article may obtain an attested copy of the original receipt signed by the addressee on payment of a special fee of three annas, provided that he makes his application for it within six mont ' of the date on which the addressee signed the original receipt.

66. (1) Registration shall be obligatory in the case of—

(a) Any parcel exceeding 440 tolas in weight.

(b) Any insured article.

(c) Any parcel addressed to a place for which a customs declaration is required.

(d) Any article containing postage or other stamps or labels or a cheque, hundi, bank-note, bankpost bill, bill of exchange, or the like,—if the contents are either superscribed upon the cover or are known or manifest to the officer of the Post Office owing to the transparency, insecurity, or insufficiency of the cover, or to any other cause.

(e) Any article bearing the word "registered" or any other word, phrase, or mark to the like effect written or impressed on the cover.

(f) Any registered article which is re-posted after having been delivered.

(g) Any value-payable article.

*Exception.*—Nothing in this rule shall be held to render registration of a packet compulsory only by reason that it contains a stamped envelope, postcard, or wrapper as provided by rule 19 (c).

(2) Twice the fee for registration shall be levied on the delivery of any postal article required under this rule to be registered on which the fee for registration has not been prepaid.

II.—FOREIGN POSTAL ARTICLES.

67. Letters, postcards and packets may be registered at any post office for transmission to countries and places served by the foreign post, subject to such exceptions as the Director-General shall, from time to time, notify in the *Post and Telegraph Guide.*

68. In addition to the postage, a further fee of three annas shall be charged for the registration of any article to be sent by the foreign letter post and of any parcel, addressed to Ceylon.

69. The prepayment of the postage and registration fee on foreign registered articles shall be compulsory.

70. Rules 61, 62 and 63, relating to the registration of inland postal articles shall be equally applicable to registered articles sent or received by the foreign post.

71. (1) The sender of a registered article posted in India and addressed to any country belonging to the Universal Postal Union shall be entitled to obtain an acknowledgment of its delivery by paying a fee in addition to the postage and registration fee, of one anna in the case of a registered article addressed to Ceylon or Portugese India, and of three annas in the case of a registered article addressed to any other such country.

(2) When the sender of a registered article posted in India and addressed to any country belonging to the Universal Postal Union has not paid the fee for an acknowledgment of its delivery and desires to have an enquiry made by the Post Office regarding the disposal of the article, he shall be entitled to this service on payment of the same fee as that chargeable for an acknowledgment of delivery.

(3) If the sender or addressee of a registered article posted in any country belonging to the Universal Postal Union other than India and addressed to a place in another country belonging to the Universal Postal Union desires that the Indian Postal Administration should forward his enquiry regarding the disposal of the article to the Administration of origin, he shall be entitled to this service on payment of a fee of 3 annas.

## PART IV.—INSURANCE OF POSTAL ARTICLES.

### I.—INLAND POSTAL ARTICLES.

72. Registered letters, value-payable registered letters, registered parcel and value payable registered parcels may be insured up to the value of Rs. 600 at such branch post offices, and up to the value of Rs. 3,000 at such other post offices, as may be authorised by the Postmaster-General to accept articles for insurance and for such post offices as may be authorised by the Postmaster-General to deliver insured articles :

Provided that in no case shall such value exceed the real value of the contents of the article insured :

Provided also that articles containing gold coin or bullion or both shall be insured for the actual value of the contents.

73. Insurance shall cover all risks in course of transmission by post.

74. In addition to the postage and the fee for registration, the following further fees shall be charged for insurance :—

| | Annas. |
|---|---|
| Where the value insured does not exceed Rs. 100 .. .. | 3 |
| Where the value insured exceeds Rs. 100 but does not exceed Rs. 150 | 4 |
| Where the value insured exceeds Rs. 150 but does not exceed Rs. 200 | 5 |
| For every additional Rs. 100 or fraction thereof over Rs. 200 and up to Rs. 1,000 .. .. .. .. .. .. | 2 |
| For every additional Rs. 100 or fraction thereof over Rs. 1,000 .. | 1 |

75. The prepayment of all charges on insured articles, namely, postage, registration fees and insurance fees, shall be compulsory. Postage stamps affixed to an insured article must be placed apart from one another so that they may not serve to conceal injuries to the cover of the letter or parcel.

76. (1) Every letter tendered for insurance must be enclosed in a strong cover, which must be securely fastened and sealed with fine wax bearing a private mark, in such a way that it cannot be opened without either breaking the seal or leaving obvious traces of violation. No label of any kind shall be affixed by the sender to such a cover. Envelope with black or coloured borders must not be used. Seals must be placed over each flap, or seam of the cover ; and if the cover is tied round with string or tape, a seal must be placed on the ends where they are tied.

(2) Every parcel tendered for insurance must be packed carefully and substantially, with due regard to the nature of the contents and the length of the journey, and must be sealed with wax or lead, bearing a private mark, in such a way that it cannot be opened without either breaking the seal or leaving obvious traces of violation. Seals must be placed over each join or loose flap of the covering of a parcel ; and, if string be used in packing, a seal must be placed on the ends of the string where they are tied. If a parcel contains gold or silver bullion or coins, it must be packed in a strong case of wood or metal with an outer covering of cloth or stout paper.

(3) All the seals affixed to an insured postal article shall be of the same kind of wax and shall bear distinct impressions of the same private device. The device shall not be that of a current coin or merely a series of straight, curved, or crossed lines.

77. No postal article shall be accepted at any post office for insurance if it is so small or so covered with writing or sealing-wax on the address-side, or otherwise made up in such a manner, as to render it impracticable to affix to the article the official labels prescribed by the Director-General.

*Explanation*—This rule shall not apply to an article which has an address-label tied to it, provided that the label is not so small or so covered with writing on the address side as to render it impracticable to affix to that side the official labels prescribed by the Director-General.

78. An article intended for insurance shall be presented at the window of the post office with the amount for which the sender wishes it to be insured, clearly written in words and figures, without erasure or correction, on the cover. The name and address of the sender shall also be written on the cover in the lower left-hand corner, or on a separate slip of paper, to be presented with the article, should there be no room for his name and address on the cover.

79. A receipt shall be given to the person who presents an article for insurance at the post office window during the hours prescribed for posting insured articles.

80. The sender of an insured article shall be entitled to obtain free of charge an acknowledgment of its delivery signed by the addressee.

81. There shall be payable to the sender of an insured postal article compensation not exceeding the amount for which the article has been insured, for the loss of the postal article or any of its contents or for any damage caused to it in course of transmission by post :

Provided that the compensation shall in no case exceed the value of the article or any of its contents lost or the amount of the damage caused, and provided that in the case of loss the sender shall furnish full particulars of the contents of the postal article and their value :

Provided, also, that no compensation shall be payable—

(a) where there has been misdelivery arising out of incorrectness or incompleteness of the address written by the sender ;

(b) where there has been fraud on the part of the sender or addressee ;

(c) where the insured article has been delivered to the addressee and he has signed and returned the receipt therefor ;

(d) where the sender has not given intimation of the loss within three months from the date of posting ;

(e) where the loss or damage was due to improper or insecure packing ;

(f) where there is no visible damage to the cover or seals ;

(g) where the insured article contains gold coin or bullion or both and has not been insured for the actual value of the contents ;

(h) in the case of the loss of halves of currency notes, where the halves which are safe have not been made over to the Post Office ;

(i) in the case of damage arising from the nature of the article insured ; or

(j) where the insured article contained anything the transmission of which by post is prohibited.

82. Compensation shall be payable one month after the date on which intimation of loss given by the sender to the Post Office, except in cases in which the Postmaster-General may consider that the circumstances demand the withholding of payment pending inquiry.

83. Coin, bullion, platinum, precious stone, jewellery, currency notes or any portion thereof and articles of gold or silver may be sent by post only in insured letters or insured parcels. If a letter or parcel presented at the post office window is found to contain any such object of value, it shall not be accepted for transmission by post, unless the sender insures it ; and if an uninsured article manifestly containing any such object of value is found in course of transmission by post it shall be either intercepted and returned to the sender or forwarded to destination and delivered to the addressee subject to the payment of a fee of one rupee. The payment of this fee shall not impose any liability on the Government.

*Explanation*—In this rule, the expression " articles of gold or silver " includes articles made wholly or partly of gold or silver, but not coins and electro or other plated goods. The expression "coins" does not include cut counterfeit coin remitted on behalf of the Currency Department and Mints. The expression " currency notes " does not include defaced notes, *i.e.*, notes, from which the signature has been cut off after cancellation, remitted on behalf of the Currency Department. The expression " jewellery " includes watches the cases of which are entirely or mainly composed of gold, silver or platinum.

## II.—FOREIGN POSTAL ARTICLES.

84. The Director-General shall, from time to time, notify in the *Post and Telegraph Guide* the countries and places for transmission to which registered letters, value-payable registered letters, boxes containing jewellery or valuables, parcels and value-payable parcels may be insured, and the limit up to which such letters, boxes or parcels may be insured in each case :

Provided that in no case shall such value exceed the real value of the contents of the letter, box or parcel insured.

85. In addition to the postage and (in the case of letters and boxes) the registration fee, the following further fees shall be charged for insurance

*For insurance of letters and parcels to Ceylon and of letters to Portuguese India :—*

| | Annas. |
|---|---|
| Where the value insured does not exceed Rs. 100 .. .. | 3 |
| Where the value insured exceeds Rs. 100 but does not exceed Rs. 150 | 4 |
| Where the value insured exceeds Rs. 150 but does not exeed Rs. 200 | 5 |
| For every additional Rs. 100 or fraction thereof over Rs. 200 and up to Rs. 1,000 .. .. .. .. .. | 2 |
| For every additional Rs. 100 or fraction thereof over Rs. 100 .. | 1 |

*For insurance of letters and parcels to British Somaliland, Mauritius, Seychelles or Zanzibar and parcels to Iraq or Portuguese India.—*

| | Annas. | Pies. |
|---|---|---|
| Where the value insured does not exceed Rs. 180 .. .. | 4 | 6 |
| For every additional Rs. 180 or fraction thereof .. .. | 4 | 6 |

*For insurance to Great Britain and Northern Ireland and to British Possessions and foreign countries other than those mentioned above and for insurance of letters to Iraq.*

| | Annas. | Pies. |
|---|---|---|
| Where the value insured does not exceed £12 .. ... | 4 | 6 |
| For every additional £12 or fraction thereof .. .. .. | 4 | 6 |

86. The prepayment of all charges on insured foreign registered letters, insured boxes and parcels shall be compulsory. Postage stamps affixed to letters, insured boxes or parcels intended for insurance must be placed apart from one another, so that they may not serve to conceal injuries to the cover of the letter, insured box or parcel. No label of any kind shall be affixed by the sender to the cover of a letter intended for insurance.

87. (1) Every foreign letter tendered for insurance must be enclosed in a strong envelope, which must be securely fastened and sealed with fine wax bearing a private mark, in such a way that it cannot be opened without either breaking the seals or leaving obvious traces of violation. The envelopes must be made up in one piece, and allow the seals to adhere completely. Envelopes with black or coloured borders or transparent panels must not be used. Seals must be placed over each flap or seam of the cover; and if the cover is tied round with string or tape, a seal must be placed on the ends where they are tied.

(2) Insured boxes must be of metal or wood and when a wooden box is used the wood must be at least one-third of an inch thick. The surface of the top and bottom of the box must be covered with white paper to receive the address of the addressee, the declaration of insured value and the impression of the official stamps. The box must be tied round crosswise with strong string, without knots, the two ends of the string being held together and sealed in fine wax bearing a private mark, in such a way that the box cannot be opened without either breaking the seal or leaving obvious traces of violation. The box must also be sealed on the four sides.

(3) Every foreign parcel tendered for insurance must be packed carefully and substantially, with due regard to the nature of the contents and the length of the journey and must be sealed with wax or lead, bearing a private mark, in such a way that it cannot be opened without either breaking the seal or leaving obvious traces of violation. Seals must be placed over each join or loose flap of the covering of a parcel; and, if string be used in packing, a seal must be placed on the ends of the string where they are tied. If a parcel contains coin, bank notes, currency notes, bearer bonds, platinum gold or silver (manufactured or not), precious stones, jewels or other precious objects, it shall be packed in a strong case of wood or metal with an outer covering of cloth or stout paper.

(4) All the seals affixed to an insured foreign letter or parcel or insured box shall be of the same kind of wax (or lead in the case of parcels) and shall bear distinct impression of the same private device. The device shall not be that of a current coin or merely a series of straight, curved or crossed lines.

88. No foreign letter or parcel or insured box shall be accepted at any post office for insurance if it is so small or so covered with writing or sealing wax on the address-side, or otherwise made up in such a manner, as to render it impracticable to affix to it the official labels prescribed by the Director-General.

*Explanation.*—This rule shall not apply to a letter, box or parcel which has an address label tied to it, provided that the label is not so small or so covered with writing on the address-side as to render it impracticable to affix to that side the official labels prescribed by the Director-General.

89. A foreign letter or parcel or a box containing jewellery or valuables intended for insurance shall be presented at the window of the post office with the amount for which the sender wishes it to be insured clearly written, in words and figures without erasure or correction, on the cover and accompanied by such form or forms duly filled up as may be prescribed by the Director-General, from time to time, in the *Post and Telegraph Guide.* The name and address of the addressee of a foreign letter, box or parcel intended for insurance shall be written in ink on the actual cover of the article. Letters and boxes addressed to initials or directed in pencil or bearing at the time of posting erasures or corrections in the address shall not be forwarded.

90. A receipt shall be given to the person who presents a foreign letter, box or parcel for insurance at the window of the post office during the hours prescribed for posting insured foreign articles.

91. (1) When a foreign letter or box or a foreign parcel, not being a parcel addressed to a prisoner of war or to an Information Bureau established for prisoners in a belligerent country or in a neutral country which has received belligerents in its territory or to a belligerent interned in a neutral country, has been insured by the Post Office and posted in India, and when such letter, box or parcel or the contents thereof have been lost or damaged in the course of transmission by post, compensation not exceeding the amount for which such letter, box or parcel has been insured shall be payable, in accordance with and subject to the provisions of sub-rules (2) to (4) on account of such loss or damage.

(2) Whether or not the addressee has made reservations on taking delivery of a damaged article or of an article the contents of which have been abstracted, or in the case of an insured letter or box has, after taking delivery, immediately made a complaint of loss or damage to the Administration of the office of delivery and proved to the satisfaction of that Administration that the loss or damage took place before the delivery of the article, the compensation payable under sub-rule (1) shall in all cases be payable to the sender and no claim for the payment of compensation to the addressee shall be entertained.

(3) The compensation payable under sub-rule (1) shall in no case exceed the value of the article lost or the amount of the damage caused, and loss of profits or other indirect loss shall not be taken into consideration in the assessment of such compensation.

(4) No compensation shall be payable under sub-rule (1)—

(a) where the loss or damage has been caused by the fault or negligence of the sender, or arises from the nature of the article;

(b) where the insurance has been fraudulently made for a sum above the real value of the contents, or there has been any other fraud on the part of the sender or the addressee;

(c) where the insured article has been delivered to the addressee and he has signed and returned the receipt therefor without protest, or, in the case of an insured letter or box, without immediately making a complaint of loss or damage to the Administration of the office of delivery and proving to the satisfaction of that Administration that the loss or damage took place before the delivery of the article;

(d) where the sender has not given intimation of the loss or damage within one year following the day of posting;

(e) where the loss or damage was due to improper or insecure packing;

(f) where there is no visible damage to the cover or seals;

(g) in cases beyond control (*e.g.*, tempest, shipwreck, earthquake, war, etc.);

(h) where the insured article cannot be traced in consequence of the destruction of the documents relating to it from causes beyond control;

(i) where the insured article contained anything the transmission of which by the letter or the parcel post, as the case may be, is prohibited; or

(j) where the parcel is seized by the customs on account of false declaration of its contents.

(5) In the following cases, namely—

(a) when the contents of such letter or box are lost or wholly destroyed;

(b) when the whole of the contents of such parcel are lost, destroyed or abstracted;

(c) when by reason of damage attributable to the postal service, the addressee refuses delivery of such parcel;

the sender of such letter, box or parcel, shall be further entitled to a refund of the expenses of transmission, and, when an error on the part of the Post Office gives rise to enquiry as to the disposal of such letter, box or parcel, to a refund of any fee paid on account of such enquiry; but the sender of such letter, box or parcel shall in no case be entitled to a refund of the fee paid for insurance.

(6) The Secretary of State for India in Council accepts no liability either to the sender or the addressee for any loss or damage in respect of any foreign letter, box or parcel which was not posted in India and insured by the Post Office of India.

92. (1) Where a foreign parcel contains coin, bullion, platinum, precious stones, jewellery or articles of gold or silver, it shall not be accepted for transmission by post unless the sender wishes to insure it. If a foreign parcel containing any such object of

value is addressed to a country or place to which insurance is not available, the parcel shall be insured for its inland transit within the limits of British India, and in such cases the fee charged for insurance shall be calculated as follows :—

*When the value is expressed in rupee currency*—

| | Annas. |
|---|---|
| Where the value insured does not exceed Rs. 100 .. .. .. .. | 3 |
| Where the value insured exceeds Rs. 100 but does not exceed Rs. 150 .. .. | 4 |
| Where the value insured exceeds Rs. 150 but does not exceed Rs. 200 .. .. | 5 |
| For every additional Rs. 100 or fraction thereof over Rs. 200 and upto Rs. 1,000 .. | 2 |
| For every additional Rs. 100 or fraction thereof over Rs. 1,000 .. .. | 1 |

*When the value is expressed in sterling*—

| | |
|---|---|
| Where the value insured does not exceed £6 .. .. .. .. | 3 |
| Where the value insured exceeds £6 but does not exceed £9 .. .. .. | 4 |
| Where the value insured exceeds £9 but does not exceed £12 .. .. .. | 5 |
| For every additional £6 or fraction thereof over £12 and up to £60 .. .. | 2 |
| For every additional £6 or fraction thereof over £60 .. .. .. | 1 |

(2) A foreign registered letter containing coin, bullion, platinum, precious stones, jewellery, or articles of gold and silver and addressed to a country or place, which admits such objects when sent by registered letter but does not allow them to be insured, shall be insured for its inland transit within the limits of British India, and the fee for insurance shall be calculated in the manner prescribed in sub-rule (1).

(3) If an uninsured foreign parcel, declared to contain or manifestly containing any of the objects of value specified above, is received from a country with which, as notifieg by the Director-General in the *Post and Telegraph Guide*, insured parcels can be exchanced, the parcel shall either be intercepted and returned to the sender or forwarded to destination and delivered to the addressee, subject to the payment of a fee of one rupee. The payment of this fee shall not impose any liability on the Secretary of State for India in Council.

*Explanation.*—In this rule the expression "articles of gold or silver" includes articles made wholly or partly of gold or silver, but not electro or other plated goods. The expression "jewellery" includes watches the cases of which are entirely or mainly composed of gold, silver or platinum.

(4) If a foreign registered letter containing coin, bullion, platinum, precious stones, jewellery or articles of gold and silver, is received from a foreign country, it shall be treated as an article insured for its inland transit within the limits of British India, and shall be delivered to the addressee on payment of an insurance fee calculated, in the manner prescribed in sub-rule (1) on the value of the contents assessed by the Customs Authorities :

Provided that, if the value of the contents exceeds the maximum limit of value for which inland letters may be insured, the article shall be insured only for such maximum.

93. Where an insured foreign parcel, which has been re-directed or returned as undeliverable, is received in India subject to a fresh insurance fee by reason of its having been so re-directed or returned, such fee shall be recoverable on delivery as if it were postage due under the Act.

## PART V.—VALUE-PAYABLE POST.

### I.—INLAND POSTAL ARTICLES.

94. Registered parcels, registered letters, registered book-packets, and newspapers prepaid with postage at newspaper rates of postage and with registration fee may be transmitted by the inland post as value-payable postal articles, provided that the amount specified for remittance to the sender in the case of any such postal article shall not exceed Rs. 1,000 and—except in the case of postal articles sent by, or addressed to any Department of the Government or a District, Local or Municipal Board—shall not contain a fraction of an anna, and provided that such parcels, letters and packets do not contain coupons, tickets, certificates or introductions designed for the sale of goods on what is known as the "Snowball system."

*Explanation.*—The words "any Department of the Government" includes any official Department of the Government of an Indian State the posts of which have been amalgamated with the Imperial Post.

95. No such postal article as aforesaid shall be accepted at any post office for transmission by post as a value-payable postal article unless the sender declares that it is sent in execution of a *bona fide* order received by him. At any post office notified from time to time in this behalf by the Director-General, the sender shall, in addition, be required to declare that the article is one the transmission of which by post as a value-payable postal article is permitted. No postal article as aforesaid shall be accepted at these offices without such further declaration.

*Explanation.*—An article may be sent by the value-payable post even though it possesses no intrinsic value. Thus, legal documents, bonds, policies of insurance, promissory notes, railway goods and parcel receipts, bills of lading or ordinary bills for collection may be sent as value-payable postal articles. In the case of a railway receipt or bill of lading sent as a value-payable postal article it will be sufficient for the purpose of this rule if the article to which the railway receipt or bill of lading relates, has been sent in execution of a *bona fide* order. In the case of the other documents specified the documents must be sent in execution of a *bona fide* order to send the document itself.

96. Every postal article intended to be transmitted by post as a value payable postal article shall be presented at the post office with a printed form, prescribed by the Director-General and obtainable at the post office, in which the sender shall specify the sum to be remitted to himself fill in the required entries in ink, and sign the declaration required by rule 95. The sender of a postal article intended to be transmitted by post as value-payable shall write clearly on the face of the article itself—

(*a*) in the upper left-hand corner—the letters " V.-P. " followed by an entry, *in figures and words*, of the amount for remittance to himself, and

(*b*) in the lower left-hand corner his own name and full address.

97. No article shall be accepted at any post office for transmission by post as a value-payable postal article if it is so small or so covered with writing or sealing-wax on the address-side, or otherwise made up in such a manner, as to render it impracticable to affix to the article the official labels prescribed by the Director-General.

*Explanation*—This rule shall not apply to an article which has an address label tied to it, provided that the label is not so small or so covered with writing on the address-side as to render it impracticable to affix to that side the official labels prescribed by the Director-General.

98. The amount to be recoverd from the addressee shall be the sum specified by the sender for remittance to himself *plus* a fee calculated according to the schedule given below on the amount specified for remittance to the sender. When the amount due is recovered from the addressee, the sum for payment to the sender shall be remitted to him by means of a money order.

*Schedule of fees.*

| | | |
|---|---|---|
| Amount specified for remittance to sender. | Not exceeding Rs. 10 .. | Two annas. |
| | Exceeding Rs. 10 but not exceeding Rs. 25 .. | Four annas. |
| | Exceeding Rs. 25 .. | Four annas for each complete sum of Rs. 25 and four annas for the remainder, provided that, if the remainder does not exceed Rs. 10, the charge for it shall be only two annas. |

99. (1) If inthe addressee of a value-payable postal article omits to take delivery of it within the seven days following the date of its first presentation or the date of delivery to him or to his accredited agent of an intimation of its arrival, the articles shall be returned to the sender on the eighth day :

Provided that if in the meantime the addressee has applied in writing to the post office for the detention of the article for a further period not exceeding seven days beginning with the said eighth day and has agreed to pay at the time of delivery of the said article a fee of two annas for each day of such further period, the article shall not be returned to the sender until the expiration of the further period covered by the application.

(2) When a value-payable postal article is returned to the sender under sub-rule (1) the sender shall be required to pay any charges that may be due on it and to acknowledge receipt of the article by signing the form presented by the postman. In no circumstances shall any fee or fees prepaid by the sender be refunded.

100. If a complaint is made by the addressee immediately after the receipt of a value-payable postal article, that it was sent dishonestly, or fraudulently, the Postmaster-General may, if satisfied that there are *prima facie* grounds for believing that the value-payable postal article was sent with the intention of defrauding the addressee, withhold the payment to the sender of the money recovered from the addressee. If, after making such enquiries as may be necessary, he is fully satisfied that the value-payable postal article was sent with this intention, he may order the return of the article the sender and refund to the addressee the sum of money recovered from him on delivery of the value-payable postal article.

101. Whenever the sender or addressee of a value-payable postal article makes a complaint regarding the delivery of or payment for the value-payable postal article, he shall be entitled to have an enquiry made by the post office on paying a fee of one anna. The fee shall be paid by means of a postage stamp or stamps affixed to the letter of complaint. This fee shall be refunded in cases where the complaint is found to be well grounded.

102. The Government shall not incur any liability in respect of the sum specified for remittance to the sender in respect of a value-payable postal article unless and until that sum has been received from the addressee and unless a claim for that sum has been preferred within one year from the date of posting of the article.

II—FOREIGN POSTAL ARTICLES.

103. Value-payable postal articles as enumerated below may be transmitted to the undermentioned countries, provided that the amount specified for remittance to the sender in respect of any such postal article shall not exceed Rs. 400 in the case of Great Britain and Northern Ireland, the Irish Free State and Iraq and Rs. 600 in other cases, and shall not contain a fraction of an anna, and provided that such parcels, letters and packets do not contain coupons, tickets, certificates or introductions designed for the sale of goods on what is known as the " Snowball system. "

| | |
|---|---|
| *Great Britain and Northern Ireland, the Irish Free State, Iraq, Kuwait (post offices operated by the Iraq Postal Administration in Kuwait), the Straits Settlements the Federated Malay States, Johore and Kedah* .. .. .. | Parcels. |
| *Ceylon* .. .. .. | Parcels, registered letters, registered book-packets, and newspapers prepaid with postage at newspaper rates of postage and with registration fee. |
| *Persia (Persian post offices in Southern Persia and Persian Arabistan), Portuguese India, the Seychelles, and British Somaliland* .. .. | Parcels, registered letters, and registered book-packets. |

104. No such postal article as aforesaid shall be accepted at any post office for transmission by post as a value-payable pastal article unless the sender declares that it is sent in execution of a *bona fide* order received by him. At any post office notified from time to time in this behalf by the Director-General, the sender shall, in addition, be required to declare that the article is one the transmission of which by post as a value-payable postal article is permitted. No postal article as aforesaid shall be accepted at these offices without such further declaration.

*Explanation.*—An article may be sent by the value-payable post even though it possesses no intrinsic value. Thus, legal documents, bonds, policies of insurance, promissory notes, railway goods and parcel receipts bills of lading or ordinary bills for collection may be sent as value-payable postal articles. In the case of a railway receipt or bill of lading sent as a value-payable postal article, it will be sufficient for the purposes of this rule if the article to which the railway receipt or bill of lading relates, has been sent in execution of *bona fide* order. In the case of the other documents specified the document must be sent in execution of a *bona fide* order to send the document itself.

105. (1) Every postal article intended to be transmitted by post as a value-payable postal article shall be presented at the post office with a printed form, prescribed by the Director General and obtainable at the post office, in which the sender shall specify the sum to be remitted to himself, fill in the required entries in ink, and sign the declaration required by rule 104. If the article is a parcel intended for delivery in Great Britain and Northern Ireland, the Irish Free State, the Straits Settlements, the Federated Malay States, Johore or Kedah, a fee calculated according to the schedule below on the amount specified for remittance to the sender shall be prepaid by the sender. The sender of a postal article intended to be transmitted by post as value-payable shall write clearly on the face of the artic.e itself—

(*a*) in the upper left-hand corner the letters " V.P. " or in the case of value payable parcel for Great Britain and Northern Ireland, the Irish Free States the Straits Settlements, the Federated Malay States, Johore or Kedah, the word ' Remboursement ' followed by an entry, *in figures and words*, of the amount for remittance to himself, and

(*b*) in the lower left-hand corner his own name and full address.

*Schedule of fees.*

| | | |
|---|---|---|
| Amount specified for remittance to the sender. | Not exceeding Rs. 10 .. | Three annas. |
| | Exceeding Rs. 10 but not exceeding Rs. 25. .. | Six annas. |
| | Exceeding Rs. 25 .. .. | Six annas for each complete sum of Rs. 25 and six annas for the remainder, provided that, if the remainder does not exceed Rs. 10, the charge for it shall be only three annas. |

(2) In the case of an article intended for transmission to any country mentioned in rule 103, as value-payable, a posting fee of 2 annas shall be pre-paid by the sender.

106. The amount to be recovered from the addressee of a foreign value-payable article received in India for delivery shall be the sum specified by the sender for remittance to himself *plus*, in the case of all articles other than parcels received from Iraq, Great Britain and Northern Ireland, the Irish Free State, the Straits Settlements, the Federated Malay States, Johore or Kedah, a fee calculated as in sub-rule (1) of the rule 105. In the case of parcels received from Iraq, a fee calculated according to the Schedule below on the amount specified for remittance to the sender

shall be collected from the addressee. A delivery fee of 4 annas on every article transmitted from any country mentioned in rule 103 as value-payable, shall also be levied from the addressee. When the amount due is recovered from the addressee, the sum for payment to the sender shall be remitted to him by means of a money order. If the addressee of a value-payable article refuses or omits to take delivery of it, the article shall be returned to the sender.

*Schedule of fees.*

| | | Rs. A. | |
|---|---|---|---|
| Amount specified for remittance to the sender. | On any sum not exceeding £1 .. | 0 4 | |
| | On any sum exceeding £1 but not exceeding £2 .. .. | 0 7 | |
| | On any sum exceeding £2 but not exceeding £3 .. .. | 0 10 | |
| | On any sum exceeding £3 but not exceeding £4 .. .. | 0 13 | |
| | On any sum exceeding £4 but not exceeding £5 .. .. | 1 0 | |
| | On any sum exceeding £5 .. | 1 0 | for each complete sum of £5 and 1 rupee for the remainder, provided that if the remainder does not exceed £1, the charge for it shall be 4 annas, if it does not exceed £2 the charge for it shall be 7 annas and if it does not exceed £3, the charge for it shall be 10 annas and if it does not exceed £4, the charge for it shall be 13 annas. |

NOTE.—The conversion into Indian Currency of the amount specified for remittance to the sender of a value-payable parcel posted in Great Britain and Northern Ireland, in the Irish Free State or in Iraq shall be effected at the rate of exchange for the issue of foreign sterling money orders in force on the date of receipt of the parcel in India.

107. (1) If the addressee of a foreign value-payable parcel fails to take delivery of it within ten days following the date of its first presentation or the date of delivery to him or to his accredited agent of an intimation of its arrival, a warehousing charge at the rate of two annas per day commencing from the eleventh day shall be collected from the addressee at the time of delivery :

Provided that in the case of a parcel bearing an alternative address, if the parcel cannot be delivered at the original address, the warehousing charge due from the first addressee shall also be collected from the second addressee at the time of delivery.

(2) If the addressee of a foreign value-payable parcel addressed "Poste Restante" fails to take delivery of it within ten days following the date of its arrival in the office of delivery, a warehousing charge at the rate shown in sub-rule (1) shall be collected from the addressee at the time of delivery :

Provided that the charge shall in no case exceed Rs. 2-12-0.

108. If a complaint is made by the addressee immediately after the receipt of a value-payable postal article, that it was sent dishonestly or fraudulently, the Postmaster-General may, if satisfied that there are *prima facie* grounds for believing that the value-payable postal article was sent with the intention of defrauding the addressee, withhold the payment to the sender of the money recovered from the addressee. If, after making such inquiries as may be necessary, he is fully satisfied that the value-payable postal article was sent with this intention, he may order the return of the article to the sender and refund to the addressee the sum of money recovered from him on delivery of the value-payable postal article.

*Exception.*—This rule does not apply to value-payable parcels exchanged with Great Britain and Northern Ireland, the Irish Free State, the Straits Settlements, the Federated Malay States, the Johore or Kedah.

109. Rules 97, 101 and 102, relating to inland value-payable articles, shall be equally applicable to foreign value-payable articles.

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PART VI.—MONEY ORDERS.

I.—INLAND MONEY ORDERS.

*Ordinary inland money orders.*

110. The amount of which a single money order may be issued shall not exceed Rs. 600 and—except in the case of money orders issued by, or in favour of, any Department of the Government, or by, or in favour of, a District, Local or Municipal Board,—shall not include a fraction of an anna.

*Explanation.*—The words "any Department of the Government" include any Official Department of the Government of an Indian State, the posts of which have been amalgamated with the Imperial Post.

111. Money orders may be issued on the following Indian States with which special arrangements have been made for the exchange of money orders, but the amount for which a single money order may be issued on these States shall not exceed Rs. 600 ;—

| | |
|---|---|
| Chamba. | Jhind. |
| Gwaliar. | Nabha. |
| Patiala. | |

*Explanation.*—The exception in the last preceding rule applies also to money orders issued by, or in favour of, any official Department of any of these States.

112. A commission on the issue of inland money orders shall be charged at the following rates, namely :—

| | |
|---|---|
| On any sum not exceeding Rs. 10 .. | .. Two annas. |
| On any sum exceeding Rs. 10 but not exceeding Rs. 25 .. | Four annas. |
| On any sum exceeding Rs. 25 .. .. | .. Four annas for each complete sum of Rs. 25 and four annas for the remainder, provided that, if the remainder does not exceed Rs. 10, the charge for it shall be only two annas. |

113. The Director-General may, at any time, (*a*) suspend the issue of money orders upon or by any particular post office, or group of post offices, or (*b*) direct that money orders shall not be so issued except on payment of special rates of commission higher than those prescribed by rule 112.

114. The remitter of a money order shall fill in, in ink, on a money order form prescribed by the Director-General such particulars as the Director-General may require. Such particulars may be written in English or in the vernacular of the district.

115. The money order form duly filled in, together with the amount of the money order and commission may be presented at the post office during the hours prescribed for money order business.

116. A receipt shall be given to the remitter for the amount paid by him on account of the money order and commission.

117. The remitter of a money order shall be entitled to obtain, free of charge an acknowledgment of the payment of the amount of the order signed by the payee.

118. The payment of a money order shall ordinarily be made at the address of the payee on his signing the money order and acknowledgment.

119. The money order and acknowledgment shall be signed by the payee named by the remitter, or by some person authorised in writing by the payee in this behalf. The signature shall be written in ink in the space provided for the purpose.

120. If the remitter or payee of a money order is illiterate, his mark shall be obtained and shall be verified in such manner as the Director-General may direct.

121. A money order shall be re-directed to the payee on his written request free of charge.

122. The remitter of a money order which has not been paid, may require that the address of the payee shall be altered or that the name of the post office, at which the order was originally made payable, shall be changed. The required change shall be made without additional charge on the remitter's applying in writing to the post office at which the order was issued.

123. The remitter of a money order which has not been paid, may require that the amount be paid to some person other than the payee named in the order. The required change shall be made, on payment of a second commission equal to the first, on the remitter's applying in writing to the post office at which the order was issued.

124. The remitter of a money order which has not been paid, may stop payment and require that the money be re-paid to himself. This shall be done without additional charge on the remitter's applying in writing to the post office at which the money order was issued, and producing the receipt and giving full particulars of the payee's address as entered in the money order. In no case, however, shall the Post Office be responsible for inability or failure to stop payment of a money order in compliance with the remitter's request.

125. If the payee of a money order cannot be found, or if the payee refuses to take payment, the amount of the order shall be returned at once to the remitter free of charge. The commission shall in no case be refunded.

126. If payment of a money order to the payee cannot be effected and the amount cannot be re-paid to the remitter owing to the latter not being found, the order

shall be void and its value credited to the Government. But, if the payee or remitter subsequently applies for payment, the amount of the order shall be paid to him on the authority of the Audit Officer, provided that application is made before the expiration of one year from the date of issue of the original order.

*Telegraphic inland money orders.*

127. The amount for which a single telegraphic money order may be issued shall not exceed Rs. 600, and shall not include any sum less than a rupee.

128. A fee for the issue of a telegraphic money order shall be charged at the rate of commission on an ordinary inland money order for the same amount, added to a telegraph charge calculated at the rates for inland telegrams for the actual number of words used in the telegram advising the remittance, according as the telegram is to be sent as an " Express " or as an " Ordinary " message. In addition to these charges, a supplementary fee of two annas shall be charged on each telegraphic money order issued. The remitter of a telegraphic money order may have a private communication added to the telegram advising the remittance on paying for the additional words in excess of twelve at the rate in force for the time being for inland telegrams of the class to which the advice belongs.

129. The Director-General may, at any time (*a*) suspend the issue of telegraphic money orders upon any post office, or group of post offices, or (*b*) direct that telegraphic money orders shall not be so issued except on payment of special fees higher than those prescribed by rule 128.

130. The remitter of a telegraphic money order shall fill in, in ink, on a money order form prescribed by the Director-General, such particulars as the Director-General may require.

131. The money order form duly filled in, together with the amount to be remitted and the fees for the telegraphic money order and private communication (if any) may be presented at the post office during the hours prescribed for telegraphic money order business.

132. A receipt shall be given to the remitter, showing the total amount paid by him, the payee's name and the hour at which the telegraphic money order was represented.

133. The remitter of a telegraphic money order shall be entitled to obtain free of charge, by post, an acknowledgment of the payment of the amount of the order signed by the payee.

134. The payment of a telegraphic money order shall ordinarily be made as soon as practicable after the receipt of the telegraphic advice by the office of payment, at the residence of the payee on his signing a receipt for the amount paid and the acknowledgment :

Provided that telegrapic money orders amounting to more than Rs. 600 in one day shall not be paid to any person who is not either permanently resident within the jurisdiction of the office of payment or personally known to the postmasters in charge of such office until confirmation of the telegraphic advice has been received by post, unless in the meantime the payee can get a respectable local resident to stand surety for him by executing an indemnity bond for the amount of such orders in the form prescribed by the Director-General.

135. The receipt and acknowledgment shall be signed by the payee named by the remitter, or by some person authorised in writing by the payee in this behalf. The signature shall be written in ink in the space provided for the purpose.

136. If the remitter or payee of a telegraphic money order is illiterate, his mark shall be obtained and shall be verified in such manner as the Director-General may direct.

137. A telegraphic money order shall be re-directed to the payee by post, free of charge, on his written request.

138. The remitter of a telegraphic money order which has not been paid may require that the address of the payee shall be altered or that the name of the office at which the order was originarily made payable, shall be changed. The required alteration shall be made in the ordinary course of post, without additional charge, on the remitter's applying in writing to the post office at which the money order was issued.

139. The remitter of a telegraphic money order which has not been paid may require that the amount be paid to some person other than the payee named in the order. The required change shall be made in the ordinary course of post, on payment of the commission chargeable on an ordinary money order for the same amount, on the remitter's applying in writing to the post office at which the order was issued, and presenting the receipt granted for the original order.

140. The remitter of telegraphic money order which has not been paid, may stop payment and require that the money be re-paid to himself. This shall be done on the remitter's applying in writing to the post office at which the money order was issued, producing the receipt and giving full particulars of the payee's address as entered in the money order. Payment may be stopped by telegram, the remitter paying the necessary charges at the ordinary rates for it. In no case, however, shall the Post Office be responsible for inability or failure to stop payment of a money order in compliance with the remitter's request.

141. If the payee of a telegraphic money order cannot be found, or should the payee refuse to take payment, a reference will be made to the office of issue by telegraph, in order to obtain instructions from the remitter regarding the disposal of the telegraphic money order. These instructions will be communicated to the office of payment, by telegraph if the remitter pays the cost of the telegram, otherwise by post. The telegraphic money order, if still undeliverable, will then be re-issued by post free of any further charge, for repayment to the remitter. The fees shall in no case be refunded.

142. If payment of a telegraphic money order to the payee cannot be effected and the amount cannot be re-paid to the remitter owing to the latter not being found, the order shall be void, and its value credited to the Government. But if the payee or remitter subsequently applies for payment, the amount of the void order, shall be paid to him on the authority of the Audit Officer, provided that application is made before the expiration of one year from the date of issue of the original order.

143. Telegraphic money orders may be issued from any post office in India (including Burma) for the head post office at Aden or the Aden Camp or Perim sub-office or from any of the said offices for any post office in India (including Burma). The limits of value and the other conditions laid down in the foregoing rules relating to inland telegraphic money orders shall apply to such telegraphic money orders :

Provided that the fees for such telegraphic money orders shall be made up of (*i*) the money order commission at the rates applicable to inland ordinary money orders, and (*ii*) a telegraph charge calculated on the actual number of words used in the telegram advising the remittance at the rate in force for the time being for an ordinary or deferred telegram, as the case may be, and (*iii*) a supplementary fee of two annas.

144. Telegraphic money orders may be issued from any post office in India (including Burma) for any Indian post office in the Persian Gulf or from any Indian post office in the Persian Gulf for any post office in India (including Burma) or from one Indian post office to another in the Persian Gulf. The limits of value and the other conditions laid down in the foregoing rules relating to inland telegraphic money orders shall apply to such telegraphic money orders :

Provided that the fees for such telegraphic money orders shall be made up of (*i*) the money order commission at the rates applicable to inland ordinary money orders and (*ii*) a telegraph charge calculated on the actual number of words used in the telegram advising the remittance at the rate in force for the time being for private telegrams of the class to which the advice belongs and (*iii*) a supplementary fee of two annas.

*Explanation.*—An " Indian post office " in this rule means a post office established by or under the management of the Director-General.

## II.—FOREIGN MONEY ORDERS.

### *Ordinary foreign money orders.*

145. (1) Foreign money orders shall be of two kinds, namely :—

(*a*) Money orders expressed in rupee currency ; and

(*b*) Money orders expressed in sterling.

(2) The Director-General shall, from time to time, notify in the *Post and Telegraph Guide* the countries and places with which money orders of each kind may be exchanged.

146. (1) The amount for which a single foreign rupee money order may be issued shall not exceed Rs. 600, and shall not include any fraction of an anna.

(2) The amount for which a single foreign sterling money order may be issued shall not exceed £40 or such smaller sum as may in any case be specially notified by the Director-General in the *Post and Telegraph Guide*. No such money order shall include any fraction of a penny.

(3) The amount of a foreign sterling money order shall be paid to the Post Office in rupee currency at such rates of exchange as the Director-General shall, from time to time, direct.

147. (1) In the case of foreign rupee money orders the rates of commission shall be the following, namely :—

| | |
|---|---|
| On any sum not exceeding Rs. 10 .. .. | Three annas. |
| On any sum exceeding Rs. 10 but not exceeding Rs. 25. | Six annas. |
| On any sum exceeding Rs. 25 .. .. | Six annas for each complete sum of Rs. 25 and six annas for the remainder, provided that, if the remainder does not exceed Rs. 10, the charge for it shall be only three annas. |

(2) In the case of foreign sterling money orders, the rates of commission shall be the following, namely :—

| | Rs. | A. | |
|---|---|---|---|
| On any sum not exceeding £ 1 .. .. | 0 | 4 | |
| On any sum exceeding £1 but not exceeding £ 2 | 0 | 7 | |
| On any sum exceeding £2 but not exceeding £ 3 | 0 | 10 | |
| On any sum exceeding £ 3 but not exceeding £ 4 | 0 | 13 | |
| On any sum exceeding £ 4 but not exceeding £ 5 | 1 | 0 | |
| On any sum exceeding £ 5 .. .. | 1 | 0 | for each complete sum of £ 5 and 1 rupee for the remainder, provided that if the remainder does not exceed £ 1, the charge for it shall be 4 annas ; if it does not exceed £2, the charge for it shall be 7 annas ; if it does not exceed £ 3, the charge for it shall be 10 annas ; and if it does not exceed £ 4, the charge for it shall be 13 annas. |

148. The Director-General may at any time direct that foreign sterling money orders shall not be issued from the Aden post office or from any Indian post office (as defined in rule 144) in the Persian Gulf except on payment of special rates of commission higher than those prescribed by rule 147 (2).

149. (1) The remitter of a foreign rupee money order shall, unless the money order is one for which an advice of payment as provided for in sub-rule (3) can be had, be entitled to receive free of charge an acknowledgment of the payment of the order signed by the payee.

(2) The remitter of a foreign sterling money order from any post office (except at Aden) shall, unless the money order is one for which an advice of payment as provided for in sub-rule (3) can be had, be entitled to receive free of charge an intimation from the Indian post office of exchange that the money order has been communicated to the country of payment.

(3) The remitter of a foreign money order to any of the countries or places specially notified in that behalf by the Director-General from time to time in the *Post and Telegraph Guide*, shall be entitled to receive an advice of its payment from the foreign post office of payment by paying a fee of 3 annas in addition to the commission chargeable on the money order.

(4) When the remitter of a foreign money order has not paid the fee for an advice of payment and desires to have an enquiry made by the Post Office regarding the disposal of the money order, he shall be entitled to this service on payment of the same fee as that chargeable for an advice of payment.

150. (1) Except when otherwise notified by the Director-General in the *Post and Telegraph Guide*, the remitter of a foreign sterling money order may, by application in writing accompanied by the money order receipt, require the Indian post office of exchange (at Bombay, Madras or Aden, as the case may be) to request the country of payment to alter the address of the payee in the money order, or to pay the amount thereof to some person other than the payee named in the order, or to stop payment of the order. The office of exchange will communicate the result of the reference without charge to the remitter, and, if payment is stopped, the amount of the order shall be refunded to the remitter but the commission shall not be refunded.

(2) In the case of a foreign rupee money order the remitter may require similar services in accordance with rules 122, 123 and 124, relating to inland money orders.

151. Rules 113 (*a*), 114, 115, 116 and 120, relating to inland money orders, shall be applicable to the issue of foreign money orders.

152. Foreign sterling money orders received for payment in India shall be paid as if they were inland money orders, the amount in sterling of the original money order being converted into rupee currency by the Indian post office of exchange (at Bombay, Madras or Aden, as the case may be) at such rate of exchange as the Director-General may, from time to time, direct.

153. The payment of a foreign money order shall ordinarily be made at the address of the payee. It shall be made on his signing the order and acknowledgment (except when otherwise provided by the Director-General) in the case of a foreig rupee money order, and on his signing the order in the case of a foreign sterling money order.

154. Under no circumstances can a foreign money order, whether a rupee money order or a sterling money order, be paid after it has been treated as void or returned to the country of issue.

155. Rules 119, 120, 121 and 125, relating to inland money orders, shall be applicable to the payment of foreign money orders.

AIR MAIL MONEY ORDERS.

156. Air mail money orders may be issued from any post office in India for any post office in Great Britain and Northern Ireland, Egypt or Iraq. The limits of value and other conditions laid down in the foregoing rules relating to ordinary foreign money orders shall apply in the case of Air mail money orders :

Provided that the fees for Air mail money orders shall be made up of (*i*) the money order commission at the rates prescribed by rule 147 and (*ii*) an Air mail charge at the rate of As. 2 for each money order irrespective of its amount.

TELEGRAPHIC FOREIGN MONEY ORDERS.

*Indo-Ceylon telegraphic money orders.*

157. The amount for which a single telegraphic money order may be issued in India for payment in Ceylon shall not exceed Rs. 600 and shall not include any sum less than a rupee.

158. The fee for a telegraphic money order issued in India for payment in Ceylon shall be charged at the rate of commission applicable to an ordinary money order drawn on Ceylon, *plus* (1) a telegraph charge calculated on the actual number of words used in the telegram advising the remittance, at the rate in force for the time being for an Express or Ordinary telegram for Ceylon as the case may be and (*ii*) a supplementary charge of two annas. The remitter may have a private communication to the payee added to the telegram advising the remittance on paying for the additional words in excess of twelve at the rate in force for the time being for the class of telegram to which the advice belongs.

159. Rules 129, 130, 131, 132 and 136, relating to telegraphic inland money orders, shall be applicable to the issue of telegraphic money orders for payment in Ceylon.

160. The payment in India of a telegraphic money order issued in Ceylon shall ordinarily be made, as soon as practicable after the receipt of the telegraphic advice, at the address of the payee on his signing a receipt for the amount paid.

161. A telegraphic money order issued in Ceylon for payment in India shall be re-directed to the payee by post, free of charge, on his written request, or when there is sufficient trustworthy information upon which to re-direct the order.

162. If the payee of a telegraphic money order issued in Ceylon for payment in India cannot be found, or should the payee refuse to take payment, a reference shall be made to the office of issue by telegraph in order to obtain instructions from the remitter regarding the disposal of the telegraphic money order which, if still undeliverable will be re-issued by post free of any further charge for repayment to him.

163. The remitter of a telegraphic money order issued in India for payment in Ceylon may, on receipt of information from the office of issue that the order has not been paid, require that the name or address of the payee or both shall be altered or that the amount shall be repaid to him. Any such instructions shall be communicated by telegraph to the office of destination in Ceylon if the remitter pays the cost of the telegram, otherwise by post.

164. Rules 135 and 136, relating to telegraphic inland money orders, shall apply to the payment in India of telegraphic money orders issued in Ceylon.

*Indo-Kuwait telegraphic money orders.*

165. Telegraphic money orders may be issued from any post office in India (including Burma) and from the head post office at Aden for any post office in Kuwait operated by the Iraq Postal Administration. The limits of value and other conditions laid down in the foregoing rules relating to Indo-Ceylon telegraphic money orders shall apply to telegraphic money orders for or from Kuwait :

Provided that—

(*a*) the fees for such telegraphic money orders shall be made up of (*i*) the money order commission at the rates applicable to ordinary money orders for Kuwait and (*ii*) a telegraph charge calculated on the actual number of words used in the telegram advising the remittance at the rate in force for the time being for an ordinary or deferred telegram, as the case may be and (*iii*) a supplementary charge at the rate of two annas per telegraphic money order ;

(*b*) the remitter may obtain an advice of payment on paying the fee charged for such advice in the case of an ordinary money order ;

(*c*) if the remitter desires that the request for the advice should be communicated to the post office of payment by telegraph, a further charge at the rate for the time being in force for an ordinary or deferred telegram, as the case may be, shall be made for the additional words "advise payment" which shall be added to the telegraph message ;

(*d*) the remitter may also prepay the telegraphic charge for a reply at the ordinary rate only ;

(*e*) if the payee of a telegraphic money order issued in Kuwait for payment in India cannot be found, or should the payee refuse to take payment, a reference shall be made to the office of issue by telegraph in order to obtain instructions from the remitter regarding the disposal of the telegraphic money order and if so desired by the remitter, the telegraphic money order shall be re-issued by post free of any further charge, for re-payment to him ; and

(*f*) if, on receipt of information from the office of issue that a telegraphic money order issued in India for payment in Kuwait has not been paid, the remitter requires that the name or address of the payee or both shall be altered or that the amount shall be repaid to him, any such instructions shall be communicated by telegraph to the office of destination in Kuwait on the remitter's paying the cost, at the ordinary rate, of twelve words for a private message to that country, otherwise by post.

*Indo-Mauritius, Indo-Federated Malay States, Indo-Straits Settlements, Indo-Kedah and Indo-Zanzibar telegraphic money orders.*

166. Telegraphic money orders may be issued from any post office in India and from the head post office at Aden for any post office in Mauritius, in the Federated Malay States, in the Straits Settlements, in Kedah or in Zanzibar. The limits of value and other conditions laid down in the foregoing rule relating to Indo-Kuwait telegraphic money orders shall apply to telegraphic money orders for or from Mauritius, for or from the Federated Malay States, for or from the Straits Settlements, for or from Kedah or for or from Zanzibar :

Provided that the fees for such telegraphic money orders shall be made up of (*i*) the money order commission at the rates applicable to ordinary money orders for Mauritius, for the Federated Malay States, for the Straits Settlements, for Kedah or for Zanzibar and (*ii*) a telegraph charge calculated on the actual number of words used in the telegram advising the remittance at the rate in force for the time being for an ordinary or deferred telegram, as the case may be and (*iii*) a supplementary charge at the rate of two annas per telegraphic money order.

*Indo-Seychelles telegraphic money orders.*

167. Telegraphic money orders may be issued from any post office in India and from the head post office at Aden for any post office in Seychelles. The limits of value and other conditions laid down in the foregoing rules relating to Indo-Ceylon telegraphic money orders shall apply to telegraphic money orders for and from the Seychelles :

Provided that—

(*a*) The fees for such telegraphic money orders shall be made up of (*i*) the money order commission at the rates applicable to ordinary money orders for the Seychelles, and (*ii*) a telegraph charge calculated on the

actual number of words used in the telegram advising the remittance at the rate in force for the time being for an ordinary or deferred telegram, as the case may be and *(iii)* a supplementary charge at the rate of two annas per telegraphic money order :

(*b*) if the payee of a telegraphic money order issued in the Seychelles for payment in India cannot be found, or should the payee refuse to take payment, a reference shall be made to the office of issue by telegraph in order to obtain instructions from the remitter regarding the disposal of the telegraphic money order and, if so desired by the remitter, the telegraphic money order shall be re-issued by post, free of any further charge, for re-payment to him ; and

(*c*) if, on receipt of information from the office of issue that a telegraphic money order issued in India for payment in the Seychelles has not been paid, the remitter requires that the name or address of the payee or both shall be altered or that the amount shall be repaid to him, any such instructions shall be communicated by telegraph the office of destination in the Seychelles on the remitter's paying the cost, at the ordinary rate, of twelve words for a private message to that country, otherwise by post.

*Telegraphic money orders between India and Great Britain and Northern Ireland, and the Irish Free State.*

168. Telegraphic money orders may be issued from any post office in India and from the head post office at Aden, for any post office in Great Britain and Northern Ireland, and the Irish Free State. The amount for which a single telegraphic money order may be issued shall not exceed £40 and shall not include any fraction of a penny.

169. (1) The fee for a telegraphic money order issued for payment in Great Britain and Northern Ireland, or in the Irish Free State shall be charged at the rate of commission applicable to an ordinary money order payable in Great Britain and Northern Ireland, or in the Irish Free State, *plus* (*i*) a telegraph charge calculated on the actual number of words used in the telegram advising the remittance, at the rate in force for the time being for an ordinary or deferred telegram, as the case may be and (*ii*) a supplementary charge of two annas.

(2) The remitter may have a private communication to the payee added to the telegram advising the remittance, on paying for the additional words at the rate in force for the time being for an ordinary or deferred telegram, as the case may be.

(3) The remitter may obtain an advice of payment on paying the fee charged for such advice in the case of an ordinary money order : provided that, if he desires that the request for the advice should be communicated to the post office of payment by telegraph, a further charge at the rate for the time being in force for an ordinary or deferred telegram, as the case may be, shall be made for the additional words "advise payment" which shall be added to the telegraphic message. The remitter may also prepay the telegraph charge for a reply.

170. Rules 129 (*a*), 130, 131, 132 and 136, relating to the issue of telegraphic inland money orders, shall apply to the issue of telegraphic money orders for Great Britain and Northern Ireland, and the Irish Free State.

171. The payment in India of a telegraphic money order received from Great Britain and Northern Ireland or the Irish Free State shall ordinarily be made, as soon as practicable after the receipt of the telegraphic advice, at the address of the payee on his signing a receipt for the amount paid. Rules 135, 136 and 152, relating to the payment of telegraphic inland money orders and foreign sterling money orders, shall, so far as may be, apply to the payment in India of telegraphic money orders received from Great Britain and Northern Ireland or the Irish Free State.

172. A telegraphic money order received from Great Britain and Northern Ireland or the Irish Free State shall be re-directed to the payee by post, free of charge, on his written request, or when there is sufficient trustworthy information upon which to re-direct the order.

173. If the payee of a telegraphic money order received from Great Britain and Northern Ireland or the Irish Free State cannot be found or should the payee refuse to take payment, a reference shall be made to the office of issue by telegraph in order to obtain instructions from the remitter regarding the disposal of the telegraphic money order and, if so desired by the remitter, the telegraphic money order shall be re-issued by post, free of any further charge, for re-payment to him.

174. The remitter of a telegraphic money order for Great Britain and Northern Ireland or the Irish Free State may, on receipt of information from the office of issue that the order has not been paid, require that the name or address of the payee or both shall

be altered or that the amount shall be repaid to him. Any such instructions shall be communicated by telegraph to the office of destination in Great Britain and Northern Ireland or the Irish Free State on the remitter's paying the cost, at the ordinary rate, of twelve words for a private message to that country, otherwise by post.

*Indo-Tanganyika Territory, Indo-Nyasaland and Indo-Iraq telegraphic money orders.*

175. Telegraphic money orders may be issued from any post office in India and from the head post office at Aden for any post office in the Tanganyika Territory, in the Nyasaland Protectorate or in Iraq. The limits of value and other conditions laid down in the foregoing rules relating to telegraphic money orders between India and Great Britain and Northern Ireland and the Irish Free State shall apply to telegraphic money orders for or from the Tanganyika Territory, for or from the Nyasaland Protectorate or for or from Iraq as the case may be :

Provided that the fees for such telegraphic money orders shall be made up of (*i*) the money order commission at the rates applicable to ordinary money orders for the Tanganyika Territory, for the Nyasaland Protectorate or for Iraq and (*ii*) a telegraph charge calculated on the actual number of words used in the telegram advising the remittance at the rate in force for the time being for an ordinary or deferred telegram, as the case may be and (*iii*) a supplementary charge at the rate of two annas per telegraphic money order.

*Foreign money orders telegraphed to offices of exchange.*

176. The remitter of a foreign money order drawn on any country except Ceylon, the Seychelles, Great Britain and Northern Ireland, the Irish Free State, Iraq, Kuwait, Mauritius, the Federated Malay States, the Straits Settlements, Kedah, the Tanganyika Territory, the Nyasaland Protectorate and Zanzibar with which money orders are exchanged, may have the particulars of the money order telegraphed to the Indian office of exchange concerned, and that office shall, on receipt of the telegraphic advice, issue by post a money order on the country of payment under the rules relating to foreign money orders.

177. A fee for the issue of foreign *rupee* money order telegraphed to the Indian office of exchange shall be charged at the rate of commission on a foreign *rupee* money order for the same amount, added to (*i*) a telegraph charge calculated at the rate or inland telegrams for the actual number of words used in the telegram advising the remittance, according as the telegram is to be sent as an "Express" or as an "Ordinary" message and (*ii*) a supplementary charge of two annas. The limits of value and the other conditions laid down in rules 127, 129, 130, 131, 132, 136, 138, 139 and 140 relating to inland telegraphic money orders, shall apply in the case of foreign *rupee* mony orders telegraphed to Indian offices of exchange except that the remitter shall not be entitled to have a private communication added to the telegram advising the remittance :

Provided that in the case of such foreign money orders telegraphed from India to the Aden office of exchange or from Aden to an office of exchange in India, the fees shall be made up of (*i*) the money order commission at the rates applicable to a foreign *rupee* money order for the same amount, (*ii*) a telegraph charge calculated on the actual number of words used in the telegram advising the remittance at the rate in force for the time being for an ordinary or deferred telegram, as the case may be, to or from Aden, and (*iii*) a supplementary charge at the rate of two annas per telegram of advice.

178. The amount for which a single foreign *sterling* money order may be telegraphed to the office of exchange, shall not exceed £40, and shall not include any broken sum less than £1.

179. A fee for the issue of a foreign *sterling* money order telegraphed to the office of exchange shall be charged at the rate of commission on a foreign sterling money order for the same amount, added to (*i*) a telegraph charge calculated at the rates for inland telegrams for the actual number of words used in the telegram advising the remittance, according as the telegram is to be sent as an "Express" or as an "Ordinary" message and (*ii*) a supplementary charge of two annas :

Provided that in the case of such money orders telegraphed from India to Aden or from Aden to India, the fees shall be made up of (*i*) the money order commission at the rates applicable to a foreign *sterling* money order for the same amount, and (*ii*) a telegraph charge calculated on the actual number of words used in the telegram advising the remittance at the rate in force for the time being for an ordinary or deferred telegram, as the case may be, for Aden and (*iii*) a supplementary charge at the rate of two annas per telegram of advice.

180. Rules 129 (*a*), 130, 131, 132 and 136, relating to telegraphic inland money orders, shall be applicable to foreign *sterling* money orders telegraphed to offices of exchange.

## PART VII.—OFFICIAL POSTAL ARTICLES.

### I.—INLAND OFFICIAL POSTAL ARTICLES.

181. Official postal articles shall be transmitted by post under the following conditions :—

(a) The rates of postage and conditions of transmission by post hereinbefore prescribed for the different classes of unofficial postal articles and the rules under which such articles may be registered, insured, or sent value-payable shall be applicable also to official postal articles of the same classes.

*Exception 1.*—The condition that postage shall be prepaid in full on postcard does not apply to "Service Unpaid" postcards in the cases mentioned in rules 182 and 186 (2).

*Exception 2.*—The condition that unpaid letters must be securely closed by the senders shall not apply to letters sent unpaid under the provisions of rules 182 and 186

*Exception 3.*—The condition that a parcel shall not contain more than one written communication of the nature of a letter, or having the character of a personal communication, shall not apply to official parcels which contain office files : provided that no one file shall contain more than one communication of such nature or having such character which was not contained therein when the file was received in the office from which it is being despatched

(b) The weight of an official postal article shall not exceed 600 tolas when the article is a letter or packet, or 800 tolas when it is a parcel.

(c) Official postal articles, whether the postage is prepaid or not, shall bear the superscription "On His Majesty's Service" or "On Service," and this shall be supported by the signature and official designation—to be entered in the lower left-hand corner of the article—of the officer who sends the article, or of the Head Clerk or Superintendent of his office or other responsible officer to whom the duty of despatching is confided.

*Explanation 1*—Service postcards bear the inscription "On Service" printed immediately above the impressed stamp. In their case, therefore, no further superscription shall be required.

*Explanation 2*—Postmasters may recognise abbreviated designations, provided they are generaly known but no official can claim the recognition of an abbreviation, the rule being that the designation shall be entered in full

*Explanation 3.*—Postmasters may recognise *facsimile* impressions of signatures made by means of stampse, but not such impressions when lithographed or otherwise produced. Public officers who use such stamps shall make arrangements for their proper custody and use ; and where there is any reason to suspect the misuse of any such stamp or the absence of proper precautions against its misuse, postmasters may decline to recognise the stamp impression and require strict adherence to the rule Printed names shall not be recognised in lieu of signatures except in the case of officia Gazettes in open covers posted in large numbers by the office of publication.

(d) Service stamps affixed to, or impressions of stamping machines taken on, and article which does not bear the prescribed superscriptions supported by the signature and official designation of the sender shall not be recognised by the Post Office in payment of postage.

(e) The delivery and re-direction of articles superscribed "On His Majesty's Service" or "On Service" shall be governed by the official designation (when given) of the addressee.

182. (1) The postage chargeable on the delivery of official postal articles when the postage is not prepaid or is insufficiently prepaid, shall be as follows :—

| | |
|---|---|
| On an unpaid postcard, letter or packet .. .. | The prepaid rate. |
| On an insufficiently paid postcard, letter or packet .. .. | The deficiency. |

(2) In cases where it is not thought advisable to entrust postage stamps to a subordinate official who has to correspond with, or to send returns to, a superior, he may be allowed by his superior to post to him official articles other than parcels without prepaying the postage, and the same course may be adopted in other cases where it is found convenient or proper to make the postage charge fall on the receiving office.

NOTE.—The prepayment of postage on parcels is compulsory.

183. The following persons shall be entitled to send official postal articles on His Majesty's Service, subject to the conditions noted against each :—

(a) All Government officials, except those who are on leave or have retired from the service, provided that the articles posted by them are *bona fide* and exclusively on His Majesty's Service.

(b) The Registrars of the Universities of Calcutte, Madras, Bombay, Allahabad, Patna, Rangoon, Delhi, Dacca, Lucknow, Andhra, Agra and the Punjab, and of the Annamalai University at Annamalainagar, provided that the articles posted by them relate solely to the public business of the Universities.

(c) The Presidents of the District Educational Councils in the Madras Presidency and their Secretaries, provided that the articles posted by them relate solely to the public business of the Councils.

(*d*) The Astronomer in charge of the G. V. Juggarao Observatory, Vizagapatam, provided that the articles posted by him relate solely to business of the Observatory.

(*e*) The Chairman of the Board of Trustees for the European Hospital for mental diseases at Ranchi and the Superintendent of the said Hospital, provided that the articles posted by them relate solely to the business of the Hospital.

(*f*) The Secretary of the Indian Central Cotton Committee, the Cotton Research Botanist, Lyallpur and the Supervisor of the Pink Bollworm Scheme, Lyallpur, provided that the articles posted by them relate solely to the business of the said Committee.

(*g*) Honorary Assistant Registrars of Co-operative Societies in the Madras Presidency and Arbitrators appointed under the specific orders of the Registrar of such Societies to attend to arbitration work connected therewith, provided that the articles posted by them relate solely to the public business of the Societies.

(*h*) Honorary Organisers of Panchayats in the Madras Presidency, provided that the articles posted by them relate solely to the public business of the Panchayats.

(*i*) Honorary Organisers of Co-operative Societies in the Bombay Presidency, provided that the articles posted by them relate solely to the public business of the Societies.

(*j*) The President-Secretary of the Assam Sanskrit Board provided that the articles posted by him relate solely to the business of the Board.

(*k*) The Secretary, Bombay Board of Film Censors, provided that the articles posted by him relate solely to the business of the Board.

(*l*) The Director of Agriculture in the Bombay Presidency and the officers in charge of the various research and other schemes conducted under the supervision of the Director of Agriculture from funds placed at his disposal by the Indian Central Cotton Committee and the Trustees of the Sir Sassoon David Trust Fund, provided that the articles posted by them relate solely to the public business of the schemes.

(*m*) The Chairman, Bar Council, Madras, provided that the articles posted by him relate solely to the public business of the Council.

(*n*) The Secretary, Bengal Board of Film Censors, provided that the articles posted by him relate solely to the business of the Board.

(*o*) The Secretary, Bengal Haj Committee, provided that the articles posted by him relate solely to the business of the Committee.

(*p*) The Secretary, Bombay Haj Committee, provided that the articles posted by him relate solely to the business of the Committee.

(*q*) The Secretary, Imperial Council of Agricultural Research, provided that the articles posted by him relate solely to the business of the Council.

(*r*) The Chairman of the Board of the Sir Sassoon David Trust Fund, Bombay, provided that the articles posted by him relate solely to the business of the Board.

(*s*) The Deputy Collector of Salt Revenue, Bombay, provided that the articles posted by him relate solely to the business of the Landing and Wharfage Fees Fund.

184. Correspondence sent by an officer of a local authority, or by any officer of the Government acting in a capacity connected with a local authority, such as the President or Secretary of a Local Fund Committee ; shall not be deemed official correspondence within the meaning of these rules and may not be superscribed as on His Majesty's Service. But nothing in this rule shall be held to prevent the transmission on His Majesty's Service of correspondence sent by an officer of the Government acting as such, although the correspondence may relate to the affairs of a local authority.

*Illustration.*—The Commissioner of a Division, writing in that capacity to the Secretary of a Local Fund Committee concerning its affairs, may superscribe the latter on His Majesty's Service.

185. The postage and other charges (if any) on an official postal article can be properly prepaid only by a proper service stamp or stamps or by a proper impression or impressions of stamping machines. Where, however, an ordinary postage stamp instead of a service stamp is used on an official postal article, the article shall be recognised as an official postal article by the Post Office ; but the irregularity shall be brought

by the officer in charge of the post office at which the article was so posted, to the notice of the officer concerned and, if of frequent occurrence, to that of the Postmaster-General.

NOTE.—Service stamps and postcards shall not be sold at post offices but shall be obtainable by Government officials and persons specially authorised to purchase and use service stamps at Government Treasuries. Service stamps may also be obtained by the public from every Treasury, provided that the value of the stamps purchased by any person at one time shall not be less than 10 shillings or Rs. 6-8-0 face value and that an extra charge of ½ *per cent.* only calculated on the face value, shall be made to cover incidental expenses. These stamps shall not be used for the pre-payment of postage on private correspondence

186. (1) Letters, postcards and packets posted by officers of the Government in their official capacity, addressed to private individuals or associations, shall, even when they relate to the private interests and concerns of the individuals or associations addressed, be sent as official postal articles, prepaid in the usual way.

*Service unpaid.*
A. B.,
*C. D.,* Calcutta.
*Commissioner,*
*Gorakhpur.*

*Exception.*—Nothing in this sub-rule shall affect (*a*) the practice of the Law Courts in regard to the despatch of "certified copies" to persons who do not appear to take them personally, and of documents filed in judicial cases the return of which has been applied for, or (*b*) the despatch of packets containing books or publications purchased from Government. Such documents, books, or publications may be posted by the judicial or other Government officers concerned in covers superscribed "Service Unpaid", and covers so superscribed shall be charged, on delivery, with postage at the rates to which they would have been liable if the postage had been prepaid. All articles so posted shall be endorsed under the full signature and official designation of the sender, according to the specimen form given on the margin.

*Service unpaid.*
To
The District Superintendent of Police, Lucknow.
*Signature of sender.*

(2) Letters, postcards and packets sent by private persons to officers of the Government relating to the affairs of the Government, if superscribed "Service Unpaid" shall, if not refused and returned un-opened by the addressee, be charged, on delivery, with postage at the rates to which they would have been liable if the postage had been prepaid, and not at double rates as in the case of ordinary articles; Provided that any article so sent is addressed to the full official designation of the officer for whom it is intended, and that it has been endorsed under the full signature of the sender according to the specimen form given on the margin.

NOTE.—The pre-payment of postage on parcels is compulsory.

187. The amount of postage marked as due on postal articles delivered under the superscriptions of "Service Unpaid" or "On His Majesty's Service" or "On Service" shall be initialled by the postmaster, or other officer authorised in this behalf by the Postmaster-General, of the office of delivery, and whenever any alteration is necessary in the amount as entered in figures, the amount due shall be written in words and attested by the signature, in full, of the postmaster or other officer aforesaid. Officers of the Government shall be bound to receive, and to pay any postage which may be due on articles addressed to them under the superscription "On His Majesty's Service" or "On Service" and bearing the signature in full of the sender. Service stamps shall not be accepted in payment of postage due on such articles.

II.—FOREIGN OFFICIALS CORRESPONDENCE.

188. Official correspondence transmitted by the foreign post, with the exception of correspondence exchanged with Ceylon, shall be subject to the same rates and be governed by the same rules as ordinary private correspondence. Service stamps may be used on official correspondence addressed to Great Britain and Northern Ireland or British possessions only. If service stamps are used for the prepayment of postage, they shall be supported by superscription and signature prescribed by clause (*c*) of rule 181 relating to inland official postal articles.

189. The amount of postage marked as due on postal articles received by the foreign post for delivery to officers of the Government shall be initialled by the postmaster or other officer authorised in this behalf by the Postmaster-General, of the office of delivery.

## PART VIII.—GENERAL RULES.

### I.—MANNER OF PREPAYMENT OF POSTAGE AND OTHER CHARGES ON POSTAL ARTICLES.

190. Where the postage or other fees or sums chargeable on a postal article is prepaid or are prepaid, the prepayment shall be made either by means of a proper stamp or stamps provided for the purpose by the orders of the Governor-General in Council under section 16 of the Act or by means of a proper impression or impressions of stamping machines or in cash, subject to such terms and conditions as the Director-General may from time to time prescribe.

191. The postage and other charges shall not be deemed to be prepaid by means of a proper stamp—

(a) if the stamp is a stamp which has not been provided for use as a postage stamp under section 16 of the Act ; or

(b) if the stamp has been obliterated, defaced, torn, cut or otherwise rendered imperfect ; or

(c) if the stamp has upon it any word, letter, figure, or design printed or impressed upon it, otherwise than by the authority of the Government before posting ; or

(d) if the stamp has been cut or otherwise separated from an embossed envelope or from a postcard or wrapper :

Provided that nothing in this rule shall prevent the perforation of postage stamps with initials, or other identifying marks, traced in minute holes.

NOTE.—The special registration envelopes provided by the Post Office, bearing embossed stamps denoting the registration fee and the initial rate of letter postage, cannot be used for the transmission of unregistered postal articles.

## II.—PRICE OF STAMPS.

192. Adhesive postage stamps shall be sold in each case for the denoted value of the stamp or stamps.

193. Postcards shall be sold for the denoted value of the stamp or stamps which they bear.

194. The embossed envelopes (square, commercial and air mail) and the registration envelopes and wrappers specified below shall be sold at the following prices, namely :—

EMBOSSED ENVELOPES.

| | Rs. | A. | P. |
|---|---|---|---|
| *(Square and commercial.)* | | | |
| For each envelope | 0 | 1 | 4 |
| Packets of 12 per packet | 1 | 0 | 0 |
| *(Air Mail.)* | | | |
| For each envelope | 0 | 8 | 3 |
| Packets of 8 per packet | 4 | 2 | 0 |
| REGISTRATION ENVELOPES. | | | |
| (1) *Small size.* | | | |
| For each envelope | 0 | 4 | 9 |
| Packets of 12 per packet | 3 | 9 | 0 |
| (2) *Medium size.* | | | |
| For each envelope | 0 | 4 | 0 |
| Packets of 8 per packet | 2 | 0 | 0 |
| (3) *Large size.* | | | |
| For each envelope | 0 | 4 | 3 |
| Packets of 8 per packet | 2 | 2 | 0 |
| WRAPPERS. | | | |
| *Half-anna.* | | | |
| Any number less than 6 each | 0 | 0 | 7 |
| Packets of 6 per packet | 0 | 3 | 0 |

## III.—CERTIFICATES OF POSTING.

195. (1) A certificate of posting may be obtained in respect of any postal article for which a receipt is not given by the Post Office subject to the following conditions, namely :—

(a) The certificate of posting written in ink shall be presented to an officer on duty at the post office along with the article to be posted, during the hours fixed for the grant of such certificates ;

(b) The certificate shall contain an axact copy of the addresses on the articles to which it relates, and shall have a postage stamp or stamps affixed thereto in payment of a fee to be charged at the rate of half an anna for every three articles or for any less number ;

(c) The actual number of articles in respect of which the certificate is required shall be written in words at the foot of the certificate.

(2) The officer on duty shall compare the number of the articles presented and the addresses on them with the entries in the certificate, and, if the latter be correct shall obliterate the postage stamps and impress the date-stamp upon the certificate. The certificate shall then be returned to the person who presented it.

IV.—LATE LETTERS AND LATE LETTER FEES.

196. Late letters shall mean letters posted after the hour fixed for the closing of a mail, which cannot be forwarded by the mail then being prepared for despatch without the payment of an additional fee.

197. The ordinary late letter fee for postal articles other than parcels to be transmitted by the Inland or Foreign post shall be half an anna for each postal article.

198. The late letter fee in respect of registration for articles to be transmitted by the Inland or Foreign post shall be two annas for each postal article.

199. In special cases, a higher fee than half an anna, but not exceeding four annas, for each postal article, may be charged on postal articles, other than parcels, posted for transmission by the Inland or Foreign post at Presidency-towns or on board steamers or in other special circumstances. The Director-General shall, from time to time, notify in the *Gazette of India* the amount of such fees and the circumstances in which they are chargeable.

200. Late letters shall be presented at the window of the post office within the hours prescribed for this purpose by the Postmaster-General, and the postage and late letter fee shall be fully prepaid.

V.—RE-DELIVERY TO THE SENDER OF POSTAL ARTICLES IN COURSE OF TRANSMISSION BY POST.

201. Inland letters, postcards, registered newspapers, book and pattern packets and parcels, and foreign registered articles of the letter mail and foreign registered parcels, which have not been despatched from India, may be recalled when in course of transmission by post without reference to the consent of the addressee subject to the following conditions, namely :—

(*a*) No such postal article as aforesaid shall be re-delivered to the sender except under the orders of—

(*i*) First class Postmasters and Superintendents of Post Offices, in respect of articles posted within their respective jurisdictions ;

(*ii*) the chief postal authority in a postal circle ;

(*iii*) the Director-General ;

(*iv*) the Local Government ; or

(*v*) the Governor-General in Council.

(*b*) A fee of one rupee shall be paid in respect of each postal article for the re-delivery of which to the sender an application is made. This fee shall in no case be refunded.

(*c*) An application for the re-delivery to the sender of a postal article may be presented in writing to any of the authorities aforesaid, either, direct or through any officer in charge of a post office.

(*d*) An application shall be received only from the sender of the postal article or from some person authorised in this behalf by the sender in writing.

(*e*) Every application shall be accompanied by a statement (which may be enclosed in a sealed cover) of the reasons why re-delivery is sought. Such sealed cover shall be opened only by the authority to which the application is presented, or, where such authority is a Local Government or the Governor-General in Council, by a Secretary to the Local Government or the Government of India, as the case may be.

(*f*) Upon receiving such application and statement together with the prescribed fee as aforesaid, the officer in charge of the post office shall, unless he is a first class postmaster, send the same to the first class postmaster or the Superintendent of Post Offices to whom he is subordinate, and shall meanwhile detain the postal article of which re-delivery is sought if it is in his possession. If he is himself a first class postmaster, he shall immediately take action on the application in accordance with condition (*h*).

(*g*) If the postal article is not in his possession, the said officer shall require the officer in charge of the post office of address in the case of an inland postal article, and of the office of foreign exchange in the case of a foreign registered postal article, to abstain from delivering it to the addressee or from sending it to its address, and to keep it in deposit. The requisition to such other officer may be sent by telegraph, but all expenses attending its transmission shall be borne by the applicant.

(h) When the application reaches such an authority as is named in condition (a), that authority may order the re-delivery to the sender of the postal article upon being satisfied that the applicant is the sender, and that sufficient reasons have been given for the re-delivery ; otherwise the postal article shall be sent at once to its address.

(i) A letter or postcard in course of transmission by post shall not be re-delivered to any one but the sender or some person authorised in this behalf by the sender in writing.

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VI.—DETENTION IN THE POST OFFICE OF BOOK AND PATTERN PACKETS AND PARCELS.

202. Book packets (other than newspapers) and pattern packets shall not be detained at the post office at which they were posted, for a period exceeding one day.

203. (1) Book packets (other than newspapers) and pattern packets received from abroad shall not be detained in the post office at the port of arrival for a period exceeding one day exclusive of the day on which the mail steamer reaches such port :

Provided that nothing in this rule shall prevent any further detention at the port of arrival that may be necessary for the purpose of customs examination or enquiries.

(2) Book packets, containing printed papers obviously without value, such as circulars, price lists and advertisements, when received from abroad at Bombay, shall not be detained in the Bombay post office for a period exceeding two days exclusive of the day on which the mail steamer reaches Bombay.

204. The delivery of book packets (other than newspapers), and pattern packets shall not be delayed beyond the delivery next following that by which they would ordinarily be delivered.

205. Parcels shall not be detained at the post office at which they are posted for a period exceeding one day.

206. Parcels received from abroad shall not be detained at the post office at the port of arrival for a period exceeding two days exclusive of the day on which the mail steamer reaches such port :

Provided that nothing in this rule shall prevent any further detention at the port of arrival that may be necessary for the purposes of customs examination or enquiries.

207. Subject to the limitations expressed in rules 205 and 206, parcels shall be delivered at such times and by such deliveries as the Director-General may direct.

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VII.—DETENTION AND DISPOSAL OF UNDELIVERED POSTAL ARTICLES.

*At the post office of address.*

208. (1) An undelivered postal article, the addressee of which is not known or has left the station of address without intimating his fresh address to the post office shall ordinarily be kept in deposit in the head, sub, or branch post office to which it is addressed for a period of seven days after all enquiries to find the addressee have proved unsuccessful.

(2) An undelivered postal article, on which the words "Poste Restante," "To await arrival," or similar instructions have been written, shall remain in the post office to which it is addressed—

(a) for a period of three months from the date on which it reached the post office if the office is at a Presidency or seaport town ;

(b) for a period of one month in all other cases.

(3) Notwithstanding anything contained in sub-rule (1) or sub-rule (2), an undelivered value payable postal article, whether or not the words 'Poste Restante,' 'To await arrival,' or similar instructions have been written thereon shall, subject to the proviso to sub-rule (1) of rule 99, remain in the post office to which it is addressed for a period of seven days only.

(4) An undelivered postal article shall ordinarily not remain in a post office to which it has been re-directed, after it has been ascertained that the addressee cannot be found.

(5) An undelivered telegram, which is in course of transmission by post, shall remain in the post office to which it is addressed, for a period of three days from the date on which it reached that office.

209. An undelivered postal article, of which the addressee—

(*a*) has refused or after due notice omitted to take delivery, or

(*b*) is known to have gone away from India without leaving instructions at the post office as to the re-direction of his correspondence, or

(*c*) is dead, and there is no person to whom the article could properly be delivered,

shall not be detained in the post office to which it is addressed.

*In the office of the Postmaster-General.*

210. Subject to the provisions of section 39, proviso (*b*), of the Act, letters which cannot be disposed of under section 38 of the Act, shall be detained for a period of—

(*i*) one month, when they are unregistered, and

(*ii*) three months, when they are registered.

On the expiration of the prescribed period, the letters shall be destroyed by being burnt: Provided that unpaid letters, other than those sent under the provisions of rules 182 and 186, which have not been securely closed by the senders, shall be destroyed forthwith by being burnt.

211. Postcards which cannot be disposed of under section 38 of the Act shall be detained for a period of one month, on the expiration of which they may be destroyed by being burnt: Provided that postcards, other than those sent "Service Unpaid" under the provisions of rule 186, on which the postage has not been prepaid, shall be destroyed forthwith by being burnt.

212. Subject to the provisions of section 39, proviso (*b*), of the Act, packets and newspapers which cannot be disposed of under section 38 of the Act, shall be dealt with as follows:—

(*a*) Packets containing printed papers, obviously without value, such as trade circulars and price lists, shall be disposed of forthwith by being sold as waste paper or destroyed.

(*b*) Other packets and newspapers shall be detained for a period of (*i*) one month, if they are unregistered, and (*ii*) three months, if they are registered, on the expiration of which the packets and newspapers may be disposed of by being sold or destroyed. Magazines, periodicals and newspapers may, at the option of the Postmaster-General, be used for any public purpose.

213. Subject to the provisions of section 39, proviso (*b*), of the Act, parcels which cannot be disposed of under section 38, shall be detained for a period of three months, on the expiration of which they may be destroyed.

214. Nothing in these rules shall prevent the immediate destruction of any postal article in exercise of the powers conferred by section 23, sub-section (3), of the Act.

VIII.—GRATUITIES TO BE PAID TO MASTERS OF SHIPS.

215. Gratuities shall be payable to the masters of ships, not being mail ships, in respect of postal articles received by them for conveyance on behalf of the Post Office, at the following rates, namely:—

| | Rs. | A. | P. | |
|---|---|---|---|---|
| Letters and postcards .. .. | 1 | 3 | 0 | per pound. |
| Packets .. .. ... | 0 | 2 | 0 | per pound. |
| Parcels .. .. .. | 0 | 1 | 0 | per pound or part of that weight. |

NOTE.—As regards letters and postcards or packets, for a lower or higher weight than one pound, the gratuity payable shall be proportionately lower or higher, as the case may be.

216. The gratuities shall be payable at the time when the mail bags are made over to the masters of the ships by which they are to be conveyed, and on the granting of a receipt for the bags in the form below:—

*Received from the Postmaster—the following mail bags* :—

| From | To | No. | REMARKS. |
|---|---|---|---|
| | | | |

Total (in figures and words).

*Dated* A.M./P.M. 19 .

*Master* .

*S.S.* " ".

*N. B.*—When one form is not sufficient for all the entries, the forms which are used must be numbered in consecutive order, and the word " Last " must be written at the top of the last form.

IX.—AUTHORISING POSTAL OFFICIALS TO SEARCH FOR AND TO INTERCEPT CERTAIN PROHIBITED ARTICLES.

217. Postal articles found in course of transmission by post to bear words, marks or designs of a seditious character shall be made over to the Provincial Criminal Intelligence Department for disposal. All other postal articles which are sent by post in contravention of section 20 of the Act, shall be destroyed or otherwise dealt with in such manner as the Postmaster-General may direct.

218. The officers noted below* are empowered to search, or cause search to be made, for birds' skins and feathers in course of transmission by post to any place out of British India, the taking of which by sea or by land out of British India is prohibited. The said officers shall deliver all postal articles reasonably believed or found to contain such skins and feathers to the nearest Collector of Customs.

*(1) The Superintendent, Foreign Posts, Deputy Superintendent, Foreign Posts, and Assistant Superintendents, Foreign Posts at Bombay.

(2) The Postmaster, Belgaum (Bombay).

(3) The Postmaster, Deputy Postmaster and Assistant Postmasters at Karachi.

(4) The Postmaster of Quetta and the Postmaster of Mirjawa (for articles for East Persia).

(5) The Presidency Postmaster, Deputy Postmaster and Assistant Postmasters at Madras.

(6) The Postmaster, Deputy Postmaster and Assistant Postmaster, Dhanushkodi.

(7) The Postmaster, Deputy Postmaster and Assistant Postmaster, Negapatam.

(8) The Postmaster, Deputy Postmaster and Assistant Postmasters at Rangoon.

(9) The Presidency Postmaster, Deputy Postmaster and Assistant Postmasters at Calcutta.

(10) The Head Sorters of the FM Division.

(11) The Head Sorters of the Railway Mail Service Offices at Madras and Villupuram.

(12) The Inspector-in-charge, Railway Mail Service Office, Madras.

(13) The Postmaster, Hyderabad (Sind).

(14) The Postmaster, Delhi.

NOTE.—Manufactured articles containing the skins and feathers of birds (such as fans and boas) also come within the above prohibition.

219. The officers noted on next page* are empowered to search, or cause search to be made for—

(*a*) Raw opium ;

(*b*) Prepared opium ;

(*c*) Coca leaves ;

(*d*) (1) Medicinal opium ;

(2) Crude Cocaine and ecgonine ;

(3) Morphine, diacetylmorphine, cocaine and their respective salts ;

(4) The following opium derivatives, namely, eucodal and decodide, and their respective salts and any preparation, admixture and extract containing either of them ;

(5) The following narcotic drugs, namely, delaudide and benzoylmorphine and other esters of morphine and salts and preparations of delaudide, benzoyl-morphine and other esters of morphine ;

(6) Acedicone ;

(7) All preparations officinal and non-officinal (including the so-called anti-opium remedies) containing more than 0·2 per cent. of morphine or more than 0·1 per cent. of cocaine ;

(8) All preparations containing diacetylmorphine ;

(9) Galenical preparations (extract and tincture) of Indian hemp ;

(e) Indian hemp ;

the bringing of which by sea or by land into British India is prohibited in course of transmission by post to any place in British India. The said officers shall deliver all postal articles reasonably believed or found to contain such goods to the nearest officer for the time being in charge of Excise Administration, and the articles shall be disposed of in accordance with the rules for the time being in force relating to the drugs and substances referred to above, confiscated under the provisions of the Excise law in force for the time being in the part of British India in which the actual delivery of the articles so found was made to the Excise Officer aforesaid.

*(1) The Postmaster, Deputy Postmaster and Assistant Postmasters at Karachi.

(2) The Superintendent, Foreign Posts, Deputy Superintendent, Foreign Posts, and Assistant Superintendents, Foreign Posts at Bombay.

(3) The Presidency Postmaster, Deputy Postmaster and Assistant Postmasters at Madras.

(4) The Postmaster Deputy Postmaster and Assistant Postmaster at Dhanushkodi.

(5) The Presidency Postmaster, Deputy Postmaster and Assistant Postmasters at Calcutta.

(6) The Postmaster, Deputy Postmaster and Assistant Postmasters at Rangoon.

(7) The Postmaster at Akyab.

(8) The Postmaster at Negapatam.

220. The officers noted below* are empowered to search, or cause search to be made, for hypodermic syringes or needles for hypodermic injections, the bringing of which by sea or by land into Burma, by means of post is restricted. The said officers shall deliver all postal articles reasonably believed or found to contain such goods to the nearest Customs Officer for disposal in accordance with the provisions of the Sea Customs Act, 1878 (VIII of 1878).

*(1) The Postmater, Deputy Postmater and Assistant Postmasters at Rangoon.

(2) The Postmater at Akyab.

221. The officers noted below * are empowered to search, or cause search to be made, for any copy of seditious publications, the bringing of which by sea or by land into British India is prohibited, in course of transmission by post to any place in British India. The said officers shall deliver all postal articles reasonably believed or found to contain such copies of publications to the Director, Intelligence Bureau.

* The Superintendent, Foreign Posts, Deputy Superintendent, Foreign Posts, and Assistant Superintendent, Foreign Posts, at Bombay and all officers in charge of head or sub-post offices including Deputy and Assistant Postmasters, and all Superintendents, Inspectors and Head Sorters of the Railway Mail Service.

222. The officers noted below * are empowered to search, or cause search to be made, amongst all articles in course of transmission by post to any place in British India, for living plants and all portions thereof (including seeds and fruits) and American cotton the import of which by sea or land into British India is prohibited, regulated or restricted by the Notification in the Department of Revenue and Agriculture No. 580—240, dated the 22nd June 1922 and by the Notification in the Department of Education, Health and Lands No. 1581-Agri., dated the 1st October 1931. The said officers shall deliver all postal articles reasonably believed or found to contain such goods to the nearest Customs Collector.

* (1) The Superintendent, Foreign Posts, Deputy Superintendent, Foreign Posts, and Assistant Superintendent, Foreign Posts at Bombay.
(2) The Postmaster, Deputy Postmaster and Assistant Postmasters at Karachi.
(3) The Presidency Postmasters, Deputy Postmaster and Assistant Postmasters at Calcutta.
(4) The Presidency Postmaster, Deputy Postmaster and Assistant Postmasters at Madras.
(5) The Postmaster, Deputy Postmaster and Assistant Postmaster at Dhanushkodi.
(6) The Postmaster, Deputy Postmaster and Assistant Postmaster at Negapatam.
(7) The Postmaster, Deputy Postmaster and Assistant Postmasters at Rangoon.

223. The officers noted below * are empowered to search, or cause search to be made, for opium, ganja or bhang in postal articles posted in the British Indian post offices in Pondicherry or Karikal or in any place in the Madras Presidency for transmission to any place in Ceylon, the taking of these articles by sea out of the Madras Presidency being prohibited by Notifications of the Government of India, No. 4311, dated the 5th December 1872, and No. 769-D., dated the 1st February 1919. The said officers shall deliver all postal articles reasonably believed or found to contain opium, ganja or bhang to the nearest Customs Collector.

* (1) The Postmaster and Deputy Postmaster, Pondicherry.

(2) The Sub-Postmaster, Karikal.

(3) The Presidency Postmaster, Deputy Postmaster and Assistant Postmasters at Madras.

(4) The Postmaster, Deputy Postmaster and Assistant Postmaster, Dhanushkodi.

(5) The Postmaster, Deputy Postmaster and Assistant Postmaster, Negapatam.

J. A. SHILLIDY,

Secretary to the Government of India.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, APRIL 28, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, APRIL 15, 1933.

### HOME DEPARTMENT.

NOTIFICATION.

POLICE.

New Delhi, the 11th April 1933.

**No. F. 21/LXX/32.**—In exercise of the powers conferred by section 17 of the Indian Arms Act, 1878 (XI of 1878), the Governor General in Council is pleased to direct that the following further amendment shall be made in the Indian Arms Rules, 1924, namely ;—

In the first column of Schedule VII to the said Rules, in clauses (*d*) and (*e*) of entry (1) for the words "and Eastern Frontier Rifles" the words "Eastern Frontier Rifles and the Frontier Irregular Corps of the North-West Frontier Province" shall be substituted.

M. G. HALLETT,

Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

New Delhi, the 10th April 1933.

**No. 187-F.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), as in force in British India and as locally applied and in supersession of the notification of the Government of India in the Foreign and Political Department No. 444-F., dated the 22nd September 1926, the Governor General in Council is pleased to prohibit the bringing of aircraft or parts of aircraft by land into any of the areas specified in the first column of the sub-joined table save under a license granted by the authority specified in the corresponding entry in the second column thereof :—

TABLE.

| Area. | Authority. |
|---|---|
| (1) The North-West Frontier Province and the Political Agencies under the charge of the Governor of the North-West Frontier Province. | The Governor in Council, North-West Frontier Province. |
| (2) All territory in British Baluchistan and Baluchistan Agency Territories comprised within the following areas :— | The Chief Commissioner, Baluchistan, and the Agent to the Governor General, Baluchistan. |
| (a) The District of Zhob. | |
| (b) That part of the Districts of Sibi and Loralai lying to the north of the parallel of latitude passing through Kach. | |
| (c) The Quetta-Pishin District with the exception of territory lying to the south and east of the railway line from Kach through Bostan and Quetta to Spezand, and with the exception of territory lying within a radius of 15 miles from Quetta railway station. | |
| (d) That part of the District of Chagai lying to the north of the railway line from Spezand through Nushki and Dalbandin to Duzdap and all territory lying south of the railway within 20 miles of the Persia-Baluchistan frontier. | |

*Explanation.*—For the purpose of this notification the expression "parts of aircraft" shall mean such parts as are indispensable for the operation of the type of aircraft for which they are intended, and for that purpose have been given a special shape or quality which would not be essential for their use for any other purpose.

**H. A. F. METCALFE,**
Foreign Secretary to the Government of India.

## FINANCE DEPARTMENT.

NOTIFICATION.

LEAVE AND APPOINTMENTS.

New Delhi, the 10th April 1933.

**No. 1987-Ex. I.**—Mr. J. B. Shearer, I.C.S. (Punjab), has been appointed as Under Secretary to the Government of India, Finance Department, with effect from the afternoon of the 10th April 1933.

**J. B. TAYLOR,**
Offg. Secretray to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATION.

COMMERCE.

Simla, the 15th April 1933.

**No. 73-C. (2)/33.**—Mr. R. B. Whitehead has been nominated by the Indian Mining Association, Calcutta, to be a member of the Coal Grading Board, with effect from the 1st April 1933, *vice* Mr. J. A. McKerrow resigned.

**T. A. STEWART,**
Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

### NOTIFICATIONS.

AGRICULTURE.

New Delhi, the 11th April 1933.

**No. F. 24/33.**—Mr. E. J. W. Plummer of the Swadeshi Cotton Mills Co., Ltd., Juhi, Cawnpore, has been nominated by the Upper India Chamber of Commerce, to be a member of the Indian Central Cotton Committee, Bombay, *vice* Mr. J. Tinker, resigned.

**No. F. 164/33.**—The following Order, which has been issued by the Ministry of Agriculture and Fisheries, London, and the Secretary of State for Scotland, is published for general information. The Order, dated the 31st March, 1932, referred to therein was published with this Department notification No. 135-A./32, dated the 26th May 1932 :—

STATUTORY RULES AND ORDERS.

1933. No. 106.

*Musk Rats.*

PROHIBITION OF IMPORTATION AND KEEPING.

THE MUSK RATS (PROHIBITION OF IMPORTATION AND KEEPING) ORDER, 1933, DATED MARCH 10, 1933, MADE BY THE MINISTER OF AGRICULTURE AND FISHERIES AND THE SECRETARY OF STATE FOR SCOTLAND UNDER SECTION 1 OF THE DESTRUCTIVE IMPORTED ANIMALS ACT, 1932 (22 GEO. 5. C. 12).

1. In the exercise of the power vested in them by section 1 of the Destructive Imported Animals Act, 1932, the Minister of Agriculture and Fisheries, and the Secretary of State for Scotland by this Order, acting jointly, hereby prohibit absolutely the importation into and the keeping within Great Britain of any animal of the species designated "*Fiber zibethicus*" or "*Ondatra zibethica*" and commonly known as the musk rat or musquash.

2. This Order extends to England, Wales and Scotland.

3. This Order shall come into operation on the first day of April, nineteen hundred and thirty-three.

4. The Musk Rats (Importation and Keeping) Order, 1932, dated March 31, 1932, and the Musk Rats (Importation and Keeping) Regulations, 1932, dated April 1, 1932, are hereby revoked.

5. This Order may be cited as the Musk Rats (Prohibition of Importation and Keeping) Order, 1933.

In WITNESS WHEREOF the Official Seals of the Minister of Agriculture and Fisheries, and of the Secretary of State for Scotland are hereunto affixed this tenth day of March, nineteen hundred and thirty-three.

(L. S.)

CHARLES J. H. THOMAS,
Secretary, Ministry of Agriculture and Fisheries.

(L. S.)

JOHN LAMB,
Under Secretary of State for Scotland.

RAM CHANDRA,
Joint Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

CIVIL AVIATION.

New Delhi, the 12th April 1933.

**No. T.-17.**—In exerise of the powers conferred by sub-section (1) of section 7 of the Indian Aircraft Act, 1911 (XVII of 1911), as in force in British India and as locally applied, and in supersession of the notifications of the Government of India in the Department of Industries and Labour (Public Works Branch), No. Av.-17, dated the 20th May 1924, and No. Av.-17, dated the 1st October 1926, the Governor General in Council is pleased to prohibit the navigation of aircraft over any of the following areas, namely :—

(1) The areas occupied by the bulk oil installations in the towns of Bombay and Karachi (Keamari).

(2) The area included within a radius of one mile from the Towers of Silence on Malabar Hill, Bombay.

(3) The North-West Frontier Province and the Political Agencies under the charge of the Governor of the North-West Frontier Province.

(4) All territory in British Baluchistan and Baluchistan Agency Territories comprised within the following areas :—

(*a*) The District of Zhob.

(*b*) That part of the Districts of Sibi and Loralai lying to the north of the parallel of latitude passing through Kach.

(*c*) The Quetta-Pishin District with the exception of territory lying to the south and east of the railway line from Kach through Bostan and Quetta to Spezand, and with the exception of territory lying within a radius of 15 miles from Quetta railway station.

(*d*) That part of the District of Chagai lying to the north of the railway line from Spezand through Nushki and Dalbandin to Duzdap and all territory lying south of the railway within 20 miles of the Persia-Baluchistan frontier.

These areas are shewn on a map which may be obtained on application to the Director of Civil Aviation in India, Simla/New Delhi.

J. A. SHILLIDY,

Secretary to the Government of India.

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**FROM THE "GAZETTE OF INDIA," EXTRAORDINARY, SIMLA, SATURDAY, April 22, 1933.**

GOVERNMENT OF INDIA.

## HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 22nd April 1933.

**No. F. 28/3/33.**—The following Resolution made by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of section 96-B of the Government of India Act, the Secretary of State for India with the concurrence of a majority of votes at a meeting of the Council of India held this 4th day of April 1933, hereby makes the following Rules :—

RULES.

These Rules may be called the Civil Services (Emergency Deductions from Pay) Rules, 1933.

2. In these rules—

(a) "pay" means—

(i) in the case of Government servants subject to the Civil Service Regulations, the gross amount payable in respect of all or any of the following :—

(a) pay as defined in Article 38 (a) ;

(b) salary as defined in Article 38 (c) ;

(c) deputation (duty) allowance as defined in Article 23-A ;

(d) duty allowance as defined in Article 23-C ;

(e) language rewards which take the form of monthly allowances.

(ii) in the case of other Government servants, the gross amount payable in respect of all or any of the items included in the definition of pay in rule 9 (21) of the Fundamental Rules ;

and in each case it includes gross salary or pay during deputation outside India.

(b) "leave salary" means the gross amount payable as leave salary or leave allowance during leave on average pay calculated without reference to any deduction from pay made under these rules ;

(c) "reduced pay" means pay or leave salary as defined in clauses (a) and (b) respectively, less any deduction made under these rules ;

(d) "leave on average pay" means—

(i) in the case of Government servants subject to the Civil Service Regulations,

(a) privilege leave ;

(b) furlough on leave allowance equal to full average salary or leave salary as limited under Articles 316-A and 325-A ;

(ii) in case of other Government servants, leave on average pay or leave on leave salary equal to average pay, the term "average pay" being used in the sense in which it is used in the Fundamental Rules.

3. (1) Notwithstanding anything contained in the Civil Services (Classification, Control and Appeal) Rules, the power to make rules requiring a deduction to be made subject to the provisions of these Rules, from the pay or leave salary of any Government servant (not being a Government servant to whom the Civil Services Protected Personnel (Temporary Abatement of Pay) Direction, 1933, applies or a Government servant (other than a Railway servant as defined in section 3 of the Indian Railways Act, 1890) the determination of whose conditions of service is reserved to the Secretary of State in Council) is hereby delegated to the Local Government of every Governor's province in respect of Government servants under the administrative control of such Government and to the Governor-General in Council in respect of other Government servants.

(2) No rule made under the power conferred by sub-rule (1) shall—

(a) operate save with reference to—

(i) pay for duty performed after 31st March 1933 and before 1st April, 1934, and

(ii) leave salary in respect of leave on average pay consumed after 31st March 1933 and before 1st April 1934, or

(b) require a deduction to be made from pay or leave salary to an amount exceeding 5 per cent.

4. Nothing in these rules or in any rule made thereunder shall operate to affect adversely the pension of any person, and all pensions shall be calculated as if these rules had not been made :

Provided that where the emoluments received by a re-employed pensioner for discharging the duties of the post in which he has been re-employed are drawn partly in the form of pay and partly in the form of pension, pension shall be deemed to be part of pay or leave salary as the case may be.

5. (1) Nothing in these rules or in any rule made thereunder shall operate to affect adversely the conditions of service of any Government servant in respect of any Government provident or contributory provident fund.

(2) The amount representing a proportion of his pay or leave salary which a Government servant is required or permitted to subscribe to any Government provident or contributory provident fund under the rules governing the fund shall be calculated, as

the Government servant may in any month elect, either on his pay or leave salary, as the case may be, or on his reduced pay, and intimation by the Government servant in his pay or leave salary bill shall be sufficient notice of his election.

(3) The amount of any contribution or gratuity calculated with reference to a Government servant's pay or leave salary which Government are required or permitted to pay to his credit under the rules of any contributory provident fund or to pay to him or his dependants under the State Railway Gratuity Rules, shall be calculated with reference to the Government servant's pay or leave salary, as the case may be, and not to his reduced pay.

6. In cases in which the amount of any payment or instalment of payment due by a Government servant to Government is required to be calculated on the amount of his pay, or leave salary, the calculation shall be made on his reduced pay and not on his pay or leave salary, as the case may be.

7. Any rules made by a Government in exercise of power delegated under these rules may, for reasons to be recorded in writing, be relaxed in individual cases in which that Government is satisfied that a strict application of the rule would cause exceptional hardship to the individual concerned, but no such relaxation shall be made without the concurrence in writing of the Governor, or the Governor-General, as the case may be.

**No. F.-28/3/33-1.**—In exercise of the powers conferred by sub-rule (1) of rule 3 of the Civil Services (Emergency Deductions from Pay) Rules, 1933, the Governor-General in Council is pleased to make the following rules :—

1. (1) These rules may be called the Central Services (Emergency Deductions from Pay) Rules, 1933.

(2) They apply to all Government servants in respect of whom the powers to make rules requiring a deduction to be made from pay or leave salary was delegated to the Governor-General in Council by sub rule (1) of rule 3 of the Civil Services (Emergency Deductions from Pay) Rules, 1933 (hereinafter referred to as the said Rules), other than—

(a) Government servants serving in the Railway Department or the Posts and Telegraphs Department;

(b) Government servants in the civil police of a rank not higher than that of Sub-Inspector or Sergeant and Government servants in the military police of a rank not higher than that corresponding to the rank of Sub-Inspector or Sergeant in the civil police;

(c) Government servants whose pay or leave salary during leave on average pay does not exceed Rs. 40 per mensem.

2. Any word or expression used in these rules and defined in the said rules shall have in these rules the meaning assigned to it in the said Rules.

3. From the pay for duty performed after the 31st March 1933 and before the 1st April 1934, and from the leave salary equal to average pay in respect of leave consumed after the first and before the second of the said dates of all Government servants to whom these rules apply there shall, subject to the provisions of the said Rules, be made a deduction which, in the case of a Government servant whose pay or leave salary equal to average pay exceeds Rs. 40, but does not exceed Rs. 50, shall amount to quarter the difference between the amount of his pay or leave salary equal to average pay and Rs. 40 and in the case of a Government servant whose pay or leave salary equal to average pay exceeds Rs. 50 shall amount to 5 per cent. of his pay or leave salary equal to average pay :

Provided that the reduced pay of an Inspector of Police in the civil police or of an officer of the corresponding rank in the military police shall not be less than the pay of a Sub-Inspector in the civil police or of an officer of corresponding rank in the military police, as the case may be :

Provided further that the reduced pay of any European Inspector of police shall not be less than the pay of any Sergeant of Police whose pay for duty performed on the 31st March 1933 was less than that of the Inspector.

**No. F.-28/7/33.**—The following Resolution made by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by Section 1 of the Indian Pay (Temporary Abatements) Acts, 1931 and 1933, the Secretary of State for India with the concurrence of the majority of votes at a meeting of the Council of India held this, 4th day of April, 1933, hereby gives the following directions :—

*Direction.*

1. (1) This direction may be called the Civil Services Protected Personnel (Temporary Abatement of Pay) Direction 1933.

(2) It applies to every Government servant, appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the civil service of the Crown in India whose pay for the time being is regulated by rules made or confirmed under section 96B of the Government of India Act.

2. In this direction :—

(a) "pay" means—

(i) in the case of Government servants subject to the Civil Service Regulations, the gross amount payable in respect of all or any of the following :—

(a) pay as defined in Article 38 (a),

(b) salary as defined in Article 38 (c),

(c) deputation (duty) allowance as defined in Article 23-A,

(d) duty allowance as defined in Article 23-C,

(e) language rewards which take the form of monthly allowances,

(ii) in the case of other Government servants the gross amount payable in respect of all or any of the items included in the definition of pay in rule 9 (21) of the Fundamental Rules,

and in each case it includes gross salary or pay during deputation outside India.

(b) "leave-salary" means the gross amount payable as leave-salary or leave allowance during leave calculated without reference to any abatement from pay made under this direction,

(c) "reduced pay" means pay or leave-salary as defined in clauses (a) and (b), respectively, less any abatement made under this direction,

(d) "leave" means—

(i) in the case of Government servants subject to the Civil Service Regulations,

(a) privilege leave,

(b) furlough on leave allowances equal to full average salary, or leave salary as limited under Articles 316-A and 325-A,

(ii) in the case of other Government servants, leave on average pay or leave on leave-salary equal to average pay, the term "average pay" being used in the sense in which it is used in the Fundamental Rules.

3. The pay and/or leave-salary admissible in respect of duty performed or leave consumed, as the case may be, after 31st March, 1933, and before 1st April, 1934, to a Government servant to whom this direction applies shall be abated by 5 per cent.

4. For the purposes of this direction pension shall be deemed to be part of pay or leave-salary, as the case may be, in any case in which the emoluments received by a re-employed pensioner for discharging the duties of the post in which he has been re-employed are drawn partly in the form of pay and partly in the form of pension.

**No. F. 28/7/33-1.**—The following Resolution made by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of section 96-B of the Government of India Act, the Secretary of State for India with the concurrence of a majority of votes at a meeting of the Council of India held this 4th day of April, 1933, hereby makes the following rules :—

*Rules.*

1. (1) These rules may be called the Superior Civil Services (Emergency Reduction of Pay) Rules, 1933.

(2) They apply to every Government servant [not being a railway servant as defined in section 3 of the Indian Railways Act, 1890, or a Government servant to whom the Civil Services Protected Personnel (Temporary Abatement of Pay)

Direction, 1933, applies], the determination of whose conditions of service is reserved to the Secretary of State in Council and to whom the Civil Services (Classification, Control and Appeal) Rules apply.

2. In these rules :—

(a) "pay" means—

(i) in the case of Government servants subject to the Civil Service Regulations, the gross amount payable in respect of all or any of the following:—

(a) pay as defined in Article 38 (a),

(b) salary as defined in Article 38 (c),

(c) deputation (duty) allowance as defined in article 28-A,

(d) duty allowance as defined in Article 28-C,

(e) language rewards which take the form of monthly allowances,

(ii) in the case of officers of the Royal Indian Marine in civil employ,

(a) pay of rank or appointment and consolidated pay,

(b) special pay and staff pay,

(c) the allowance granted for the supervision of the Royal Indian Marine craft.

(iii) in the case of other Government servants, the gross amount payable in respect of all or any of the items included in the definition of pay in rule 9 (21) of the Fundamental Rules,

and in each case it includes gross salary or pay during deputation outside India.

(b) "leave-salary" means the gross amount payable as leave-salary or leave allowance during leave calculated without reference to any reduction of pay made under these rules.

(c) "reduced pay" means pay or leave-salary as defined in clauses (a) and (b) respectively, less any reduction made under these rules.

(d) "leave" means—

(i) in the case of Government servants subject to the Civil Service Regulations,

(a) privilege leave,

(b) furlough on leave allowances equal to full average salary or leave salary as limited under Articles 316-A and 325-A.

(ii) in the case of officers of the Royal Indian Marine in civil employ, privilege leave,

(iii) in the case of other Government servants, leave on average pay or leave on leave salary equal to average pay, the term "average pay" being used in the sense in which it is used in the Fundamental Rules.

3. The pay and/or leave salary admissible in respect of duty performed or leave consumed, as the case may be, after 31st March, 1933, and before 1st April, 1934, to a Government servant to whom these rules apply shall be reduced by 5 per cent.

4. Nothing in these rules shall operate to affect adversely the pension of a Government servant, and all pensions shall be calculated as if these rules had not been made :

Provided that where the emoluments received by a re-employed pensioner for discharging the duties of the post in which he has been re-employed are drawn partly in the form of pay and partly in the form of pension, pension shall be deemed to be part of pay or leave-salary as the case may be.

5. (1) Nothing in these rules shall operate to affect adversely the conditions of service of a Government servant in respect of any Government provident or contributory provident fund.

(2) The amount representing a proportion of his pay or leave salary which a Government servant is required or permitted to subscribe to any Government provident or contributory provident fund under the rules governing the fund shall be calculated,

as the Government servant may in any month elect, either on his pay or leave-salary, as the case may be, or on his reduced pay, and intimation by the Government servant in his pay or leave-salary bill shall be sufficient notice of his election.

(3) The amount of any contribution or gratuity calculated with reference to the Government servant's pay or leave-salary which Government are required or permitted to pay to a Government servant's credit under the rules of any contributory provident fund, or to pay to him or his dependants under the State Railway Gratuity Rules shall be calculated with reference to the Government servant's pay or leave-salary as the case may be, and not to his reduced pay.

6. In cases in which the amount of any payment or instalment of payment due by a Government servant to Government is required to be calculated on the amount of his pay or leave-salary, the calculation shall be made on his reduced pay and not on his pay or leave-salary, as the case may be.

**No. F. 28/7/33-2.**—The following resolution made by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of Section 96B of the Government of India Act, the Secretary of State for India, with the concurrence of the majority of votes at a meeting of the Council of India held this 4th day of April, 1933, hereby makes the following rules :—

1. Notwithstanding anything contained in any Rules made under or confirmed by Section 96B of the Government of India Act,

(*a*) the amount representing a proportion of his pay or leave salary which a Government servant to whom the Civil Services Protected Personnel (Temporary Abatement of Pay) Direction, 1933, applies, is required or permitted to subscribe to any Government provident or contributory provident fund under the Rules governing the fund, shall be calculated, as the Government servant may in any month elect, either on his pay or leave salary, as the case may be, or on his reduced pay and intimation by the Government servant in his pay or leave salary bill shall be sufficient notice of his election ;

(*b*) in cases in which the amount of any payment or instalment of payment due to Government by a Government servant to whom the said Direction applies is required to be calculated on the amount of his pay or leave salary, the calculation shall be made on his reduced pay and not on his pay or leave salary, as the case may be.

2. In these Rules the terms " pay ", " leave-salary " and " reduced pay " shall be interpreted in accordance with the definitions of them contained in the Civil Services Protected Personnel (Temporary Abatement of Pay) Direction 1933.

M. G. HALLETT,

Secretary to the Government of India.

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JUDICIAL.

The 22nd April 1933.

**No. F. 245/33.**—The following Resolutions made by the Secretary of State for India in Council are published for general information : –

RESOLUTION 1.

In exercise of the powers conferred by Section 1 of the Indian Pay (Temporary Abatements) Acts, 1931-33, the Secretary of State for India, with the concurrence of a majority of votes at a meeting of the Council of India held this 4th day of April 1933, hereby gives the following direction :—

*Direction.*

1. This direction may be called the High Court Judges, India (Temporary Abatement of Pay) Direction, 1933.

2. In this direction :—

(*a*) " Judge " means Judge as defined in clause (2) of rule 1 of the High Court Judges (India) Rules, 1922, hereinafter referred to as the said rules.

(*b*) " leave-salary " means the amount payable under rule 16 of the said rules to a Judge on leave on full allowances.

(c) " pay " means the salary payable to a Judge under rule 2, rule 3, or rule 4 of the said rules.

(d) " reduced pay " means pay or leave salary as defined in clauses (c) and (d), respectively, less the abatement made under this direction.

3. The pay and/or leave salary admissible to a Judge in respect of duty performed or leave consumed, as the case may be, after 31st March 1933, and before 1st April 1934 shall be abated by 5 per cent.

RESOLUTION 2.

In exercise of the powers conferred by sub-section 2 of Section 96B of the Government of India Act, the Secretary of State for India with the concurrence of the majority of votes at the meeting of the Council of India held this 4th day of April 1933, hereby makes the following rules :—

1. Notwithstanding anything contained in any rule made under or confirmed by Section 96B of the Government of India Act :—

(a) the amount representing a proportion of his pay or leave salary which a Judge, to whom the High Court Judges, India (Temporary Abatement of Pay) Direction, 1933 applies, is required or permitted to subscribe to any Government provident fund under the Rules governing the fund, shall be calculated as the Judge may in any month elect, either on his pay or leave-salary, as the case may be, or on his reduced pay and intimation by the Government servant in his pay or leave-salary bill shall be sufficient notice of his election ;

(b) in cases in which the amount of any payment or instalment of payment due to Government by a Judge to whom the said Direction applies is required to be calculated on the amount of his pay or leave salary, the calculation shall be made on his reduced pay and not on his pay or leave-salary, as the case may be.

2. In these rules the terms " pay ", " leave-salary " and " reduced pay " shall be interpreted in accordance with the definitions of them contained in the High Court Judges India (Temporary Abatement of Pay) Direction, 1933.

T. SLOAN,

Joint Secy. to the Govt. of India.

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FROM THE " GAZETTE OF INDIA " SIMLA, SATURDAY, APRIL 22, 1933.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

New Delhi, the 18th April 1933.

No. 1255-G.—The services of Sardar Sahib Sardar Sudarshan Singh Vaghalia, Deputy Superintendent of Police, Punjab, who was appointed temporarily as Watch and Ward Officer of the Legislative Assembly, are replaced at the disposal of the Punjab Government with effect from the afternoon of the 14th April 1933.

S. C. GUPTA,

Secretary to the Government of India.

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## HOME DEPARTMENT.

NOTIFICATION.

POLICE.

Simla, the 20th April 1933.

No. F. 166/V/32.—The following resolution passed by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of Section 96B of the Government of India Act, the Secretary of State for India with the concurrence of the majority of votes at a meeting of the Council of India held this 28th day of February

1933, hereby makes the following amendments in the Indian Police Service (Recruitment) Rules, namely :—

I. For Rule 1 of the said rules the following shall be substituted, namely :—

These rules may be called the Indian Police (Recruitment) Rules 1927.

II. In Rules 2, 3, 5, 8, 12, 15, 17 and 20 of the said Rules for the words "Indian Police Service" wherever they occur the words "Indian Police" shall be substituted.

M. G. HALLETT,

Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

### NOTIFICATION.

DANGEROUS DRUGS.

New Delhi, the 15th April 1933.

No. 3.—The following draft of certain rules which it is proposed to make in exercise of the powers conferred by sub-sections (2) and (3) of section 5 of the Dangerous Drugs Act, 1930 (II of 1930), is published as required by sub section (1) of section 36 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration by the Governor General in Council on or after the 1st June 1933. Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Governor General in Council.

### *Draft Rules.*

PART I.—*Preliminary.*

1. (*1*) These rules may be called the Central Opium Rules, 1933.

Short title and commencement.

(*2*) They shall come into force on the 1st July 1933 whereupon all rules made by whatever authority under an enactment specified in the first three columns of Schedule II to the Dangerous Drugs Act, 1930 (II of 1930), and for a purpose specified in sub-section (2) or sub-section (3) of section 5 of the said Act shall be cancelled, except as regards anything done, or any offence committed, or any fine or penalty incurred, or any proceedings instituted before the said date.

PART II.—*Poppy Cultivation.*

2. The poppy shall not be cultivated anywhere in British India save—

(*a*) within such tracts in the United Provinces as the Governor General in Council may from time to time by notification in the *Gazette of India* define in this behalf ;

(*b*) in the Punjab within the Jullundur and Hoshiarpur districts, the Kulu sub-division of the Kangra district and the Kotkhai area of the Kotkhai-*cum*-Kotgarh sub-tahsil of the Simla district.

3. Within the tracts in the United Provinces defined by notification made under clause (*a*) of rule 2 the poppy shall not be cultivated save on account of the Governor General in Council and under and in accordance with the conditions of a licence issued under the Opium Act, 1857 (XIII of 1857).

4. Within the areas in the Punjab specified in rule 2 the poppy shall not be cultivated save under and in accordance with the conditions of a licence granted by the District Excise Officer or the Collector of the district in Form I or II of the annexed forms whichever is applicable.

Provided that any person within those areas desiring to cultivate the poppy in anticipation of the receipt of a licence may inform the Patwari of the fact when he comes to that person's village to measure the area to be brought under cultivation, and the Patwari may thereupon grant such person permission to cultivate in anticipation of the receipt of a licence.

*Forms of licence.*

*I.—Licence for the cultivation of the poppy in Kulu or Kot Khai.*

____________________________________________________, son of ________ _____________________________________, is hereby licensed to cultivate the poppy in village of ________________________________________ Tahsil of the ____________________ ________________ District, subject to the following conditions :—

*Conditions.*

1. The license is granted to the said __________________________________________ personally, and is not transferable.

2. The license-holder shall comply with all the provisions of the rules for the time being in force made under the Opium Act, 1878, or the Dangerous Drugs Act, 1930.

3. The license-holder shall pay duty on the area cultivated at such rates as the Local Government may, with the previous sanction of the Governor General in Council, from time to time, by notification in the official Gazette, fix in that behalf.

(This liability is not at present in force.)

4. The license-holder shall, in disposing of the produce of his cultivation, comply with the conditions following, namely :—

(*a*) he shall not consume, or permit any person under his authority or control to consume, any part of the produce of his own cultivation;

(*b* he shall not sell such produce, or manufacture opium or sell opium otherwise than in accordance with the rules for the time being in force regulating the sale and manufacture of opium.

5. The collector of the district in which the license is held may, at any time, withdraw the license by written order stating his reasons therefor :

Provided that except when a license is withdrawn by reason of breach of its conditions, no license shall be withdrawn before the 1st of May or after the 1st of October in any calendar year.

6. If the license-holder does not sow poppy-seeds before the 1st of December of any year, he shall, not later than the 15th of that month, surrender his license to the officer in charge of the tahsil within the limits of which he is permitted under his license to cultivate the poppy.

7. If the licence—

(*a*) is withdrawn under condition 5, or

(*b*) is surrendered under condition 6, or

(*c*) expires, or

(*d*) ceases to be operative through the cancellation of the notification permitting the cultivation of the poppy in the area covered by the licence,

the licensee shall dispose of all produce unsold and in his possession when the licence determines in such manner as the Collector of the District may in his discretion direct.

8. The license-holder may, without further license, manufacture pure opium from the produce of his own cultivation.

9. The license-holder whose cultivation is not subject to duty may transport the pure opium produced therefrom to the prescribed place of weighment.

10. Subject to the conditions of this license the license-holder may possess any pure opium manufactured from poppy produced from his own cultivation under his license.

11. The license-holder if his cultivation is not subject to duty at acreage rate may sell the produce of his cultivation, in the form of pure opium manufactured by him from poppy grown by himself, to any one holding a license to sell opium wholesale or retail in the Punjab, or to Government, but to no one else : Provided that the license-holder shall not sell such produce until it has been weighed by the Patwari of the circle in which he resides.

12. In selling pure opium, as permitted by condition 11, the license-holder shall not sell less than two seers of opium at any one time :

Provided that, if his whole or remaining stock of pure opium be less than two seers, he may sell the whole or such remaining stock at one time.

13. Whenever the license-holder sells any of his standing crops of poppy or any of the produce of his cultivation in the form of pure opium manufactured by him from poppy grown by himself, he shall enter or cause to be entered, on the back of this license the particulars of such sale, and such particulars shall include the nature and quantity of the produce sold, the date of the sale and the name, description and residence of the purchaser and shall, if possible, be attested by the signature of the purchaser :—

| Particulars of produce to be entered by the Patwari. | | Particulars of sale. | | | |
|---|---|---|---|---|---|
| Date of weighment. | Opium. | Date of sale. | Quantity of opium sold. | Nature and address of licensed vendor or to whom sold. | Signature of Purchaser. |
| | | | | | |

Signature of licensee. Signature of Collector.

*II.—Licence for the cultivation of the Poppy in the Jullundur and Hoshiarpur Districts.*

__________________________, son of __________________________, is hereby licensed to cultivate the poppy in ____________ village of ____________ Tehsil ____________ District, subject to the following conditions :—

*Conditions.*

1. The license is grant to the said ____________ personally, and is not transferable.

2. The license-holder shall comply with all the provisions of the rules for the time being in force made under the Opium Act, 1878 or the Dangerous Drugs Act, 1930.

3. The license-holder shall pay duty on the area cultivated at such rates as the Local Government may, with the previous sanction of the Governor-General in Council, from time to time, by notification in the official Gazette, fix in that behalf.

4. The license-holder shall, in disposing of the produce of such cultivation, comply with the conditions following, namely :—

(*a*) he shall not consume, or permit any person under his authority or control to consume, any part of the produce of his own cultivation ;

(*b*) he shall not sell such produce, otherwise than in accordance with the rules for the time being in force regulating the sale of poppy-heads.

5. The Collector of the district in which the license is held may, at any time, withdraw the license by written order stating his reasons therefor :

Provided that except when a license is withdrawn by reason of breach of its conditions, no license shall be withdrawn before the 1st of May or after the 1st of October in any calendar year.

6. If the license-holder does not sow poppy-seeds before the 1st of December of any year, he shall, not later than the 15th of that month, surrender his license to the officer in charge of the tahsil within the limits of which he is permitted under his license to cultivate the poppy.

7. If the licence—

(*a*) is withdrawn under condition 5, or

(*b*) is surrendered under condition 6, or

(*c*) expires, or

(*d*) ceases to be operative through the cancellation of the notification permitting the cultivation of the poppy in the area covered by the licence,

the licensee shall dispose of all produce unsold and in his possession when the licence determines in such manner as the Collector of the District may in his discretion direct.

8. The license-holder shall not extract opium from the poppy cultivated by him, but shall collect the produce entirely in the form of poppy-heads.

9. The license-holder if he has paid duty on the area cultivated, may transport poppy-heads produced therefrom from any one place situate within the limits of the tahsil in which he is licensed to any other place situate within the same limits.

10. The license-holder may sell the produce of his cultivation in the form of poppy-heads to any one holding a license to sell opium wholesale or retail in the Punjab, or to Government.

11. In selling poppy-heads, as permitted by condition 10, the license-holder shall not sell less than two maunds of poppy-heads at any one time :

Provided that, if his whole or remaining stock of poppy-heads be less than two maunds, he may sell the whole or such remaining stock at one time.

12. Whenever the license-holder sells any of his standing crops of poppy or any of the produce of his cultivation in the form of poppy-heads, he shall enter, or cause to be entered, on the back of this license the particulars of such sale, and such particulars shall include the nature and quantity of the produce sold, the date of the sale, and the name, description and residence of the purchaser, and shall if possible be attested by the signature of the purchaser.

PART III.—*Manufacture of opium.*

5. Opium shall not be manufactured anywhere in British India save in the United Provinces or the Punjab : Provided that with the special permission of the Governor-General in Council opium purchased from the Government Factory at Ghazipur may be re-manufactured by or on behalf of a Local Government in the form of tablets or pills for sale as Excise Opium.

6. Opium shall not be manufactured in the United Provinces save by officers of the Opium Department at the Government Factory at Ghazipur.

7. Opium shall not be manufactured in the Punjab save under and in accordance with the conditions of a license for the cultivation of the poppy in the Punjab.

PART IV.—*Sale of opium.*

Sale for export.

8. The sale of opium from the Government Factory at Ghazipur for export is prohibited save (1) when the export is on behalf of the Governor-General in Council, or (2) when the export is to a State in India on behalf of or under the authority of a Local Government.

Sale to Local Governments.

9. The sale of opium from the Government Factory at Ghazipur to Local Governments is prohibited save under the orders of the Governor-General in Council.

Sale to manufacturing chemists.

10. (1) The sale of opium from the Government Factory at Ghazipur to manufacturing chemists in British India is prohibited save under a permit granted by or under the orders of the Local Government within whose jurisdiction the chemist resides or has his place of business.

(2) The permit referred to in sub-rule (1) shall be issued in quadruplicate, one copy being retained for record and three copies being forwarded to the Factory Superintendent, Government Factory at Ghazipur, along with the application of the chemist for the supply of opium. The Factory Superintendent shall retain one copy for record, enclose one with the consignment and return the third to the issuing authority after endorsing thereon the quantity actually supplied and the date of despatch.

(3) The chemist shall state in his application to the Local Government for the supply of opium (*i*) the purpose for which the opium is required, (*ii*) the stock in hand on the date of the application, (*iii*) the quantity applied for, and (*iv*) his requirements for six months' manufacture.

(4) The total quantity of opium supplied to a chemist in any one financial year shall not exceed 400 lbs. and the total quantity supplied at any one time—

(*a*) shall not exceed the quantity determined by the Local Government as sufficient for six months' manufacture, and

(*b*) shall not, save in cases of special urgency exceed 100 lbs.

11. The price to be charged for opium sold in accordance with this Part shall be fixed from time to time by the Governor-General in Council.

No. 4.—The following draft of certain rules which it is proposed to make in exercise of the powers conferred by sub-section (2) of section 6 of the Dangerous Drugs Act, 1930 (II of 1930), is published as required by sub-section (1) of section 36 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Governor General in Council on or after the 1st June 1933. Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Governor General in Council.

## DRAFT RULES.

### PART I.—*Preliminary.*

Short title and commencement.

1. (1) These rules may be called the Central Manufactured Drugs Rules, 1933.

(2) They shall come into force on the 1st July 1933, whereupon all rules made by whatever authority under an enactment specified in the first three columns of Schedule II to the Dangerous Drugs Act, 1930 (II of 1930), and for a purpose specified in sub-section (2) of section 6 of the said Act shall be cancelled, except as regards anything done, or any offence committed, or any fine or penalty incurred, or any proceedings instituted before the said date.

Definitions.

2. In these rules the expression "manufactured drugs" does not include prepared opium.

### PART II.—*General prohibition of manufacture of manufactured drugs.*

3. The manufacture of crude cocaine and ecgonine, and of diacetyl-morphine and its salts and of any other narcotic substance declared to be a manufactured drug in pursuance of sub-clause (*ii*) of clause (*g*) of section 2 of the Dangerous Drugs Act, 1930, is prohibited.

### PART III.—*Manufacture of manufactured drugs.*

4. The manufacture of cocaine and its salts is prohibited save the manufacture of cocaine hydrochloride by the chemical staff employed under the Central Board of Revenue from impure confiscated cocaine.

5. The manufacture of morphine and its salts is prohibited save by the officers of the Opium Department at the Government Factory at Ghazipur.

6. The manufacture of medicinal hemp is prohibited save under and in accordance with the conditions of a licence in the annexed form granted subject to the control of the chief excise authority of the Province by the Collector of the District.

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*Form of licence.*

Licence for the manufacture of medicinal hemp.

District.

Number of license.

Name and description of the licensee.

His residence.

His place of business.

The person described above, and hereinafter called the licensee, is hereby authorised by the Collector of .......... to manufacture medicinal hemp, hereinafter alluded to as the drug, from the date of this licence to the ........... 193 subject to the following conditions :—

*Conditions.*

(1) The licence is granted to the licensee personally and is not transferable.

(2) The licensee shall comply with all the provisions of the rules for the time being in force made under the Dangerous Drugs Act, 1930.

(3) The licensee shall be responsible for the acts and omissions of every person employed by him in carrying on his business, and of all his servants, as if the said acts and omissions were his own.

(4) The licensee shall pay to the Local Government, in advance, a fee at such rates as may be fixed by the Local Government in this behalf.

(5) The licensee shall not manufacture the drug save from materials which he is lawfully entitled to possess.

(6) The licensee shall not man facture or keep the drug or keep the materials used for the manufacture of the drug at any place except his place of business.

(7) The licensee shall not possess or sell the drug otherwise than in accordance with the rules made by the Local Government under the Dangerous Drugs Act, 1930.

(8) The licensee shall not consume or permit any person under his control or authority to consume the drug at his place of business.

(9) The licensee shall maintain true accounts of all transactions in the forms annexed. Entries in the accounts shall be made on the day on which transactions take place The Accounts shall be preserved for not less than two years from the date of the last entry in the accounts.

FORMS.

*I.—Account of the materials used for the manufacture of medicinal hemp.*

| Month and date. | Material | Quantity lawfully allowed. | Balance in hand. | Quantity of materials received. | Source of supply. | Total of columns 4 and 5. | Quantity used in the manufacture of medicinal hemp. | Balance in hand. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

*II—Account of the medicinal hemp manufactured.*

| Month and date | Medicinal hemp : Extract or tincture. | Balance in hand. | Quantity manufactured. | Total of columns 3 and 4 | Quantity sold. | Name of purchaser. | Address. | Balance in hand. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

(10) The licensee shall when required by the Collector or any other officer duly authorised by him, deliver up his licence for amendment or for the issue of a fresh licence.

(11) Stocks of the drug or the materials used for its manufacture and all accounts and records of transactions under this licence shall be open to inspection by an officer specially or generally authorised by the Collector or by the chief excise authority of the Province.

(12) An inspection note-book with pages numbered consecutively shall be maintained for the use of inspecting officers and shall be handed over to the Collector or to any officer authorised by him or by the chief excise authority of the Province to receive it on a receipt being given therefor. The book shall be preserved in good condition and handed over to the Collector at the end of the period for which the licence is in force.

(13) In case of breach of any of the conditions of this licence, the Collector may cancel or suspend the licence or in lieu thereof impose a penalty not exceeding one hundred rupees.

(14) The imposition of a penalty or the cancellation or suspension of this licence under the foregoing condition shall not operate as a bar to prosecution for any offence which may have been committed under the Dangerous Drugs Act, 930.

(15) If the licencee has in his possession on the expiry, cancellation, or suspension of this licence, any stock of the drug, he shall deliver it up to the Collector.

(16) Any licensee shall be bound to purchase in such quantity not exceeding the quantity which he is likely to sell in two months, and at such rates as the Collector may direct, any stock of the drug that may be delivered up to the Collecter under the provisions of condition 15.

Dated the day of 193 .

Station Collector of

A. H. LLOYD,

Joint Secretary to the Government of India.

## CENTRAL BOARD OF REVENUE.

NOTIFICATION.

INCOME-TAX.

Simla, the 22nd April 1933.

**No. 18.**—The following draft of a further amendment to the Indian Income-tax Rules, 1922, which the Central Board of Revenue proposes to make in exercise of its powers under sub-section *(1)* of section 59 of the Indian Income-tax Act, 1922 (XI of 1922), is published as required by sub-section *(4)* of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 15th June 1933.

Any objection or suggestion which may be received in respect of the draft before the date specified will be considered by the said Board.

*Draft amendment.*

To rule 24 of the said Rules, the following proviso shall be added, namely :—

"Provided that in computing such income an allowance shall be made in respect of the cost of planting bushes in replacement of bushes that have died or become permanently useless in an area already planted unless such area has previously been abandoned."

MOOLCHAND KHANNA,

Officiating Secretary, Central Board of Revenue.

## DEPARTMENT OF COMMERCE.

NOTIFICATIONS.

MERCHANT SHIPPING.

Simla, the 22nd April 1933.

**No. 6 M.I. (2)/33.**—Captain B. Godon, Royal Indian Marine, Principal Offier, Mercantile Marine Department, Madras District, Madras, is granted privilege leave in India for two months with effect from the 1st May 1933.

Engineer Lieutenant-Commander W. F. Ellis, Royal Indian Marine, Engineer and Ship Surveyor, Mercantile Marine Department, Madras, will hold charge of the current duties of the Principal Officer, Mercantile Marine Department, Madras District, Madras, during the absence on leave of Captain B. Gordon.

**No. 46-M.I/33.**—The following orders in Council, dated the 10th November 1932, prescribing certain additional signals of distress and the signal of urgency, are published for general information.

*The Merchant Shipping (Distress Signals) Order, 1932.*

At the Court at Buckingham Palace, the 10th day of November, 1932.

PRESENT.

The King's Most Excellent Majesty in Council.

Whereas in pursuance of the powers conferred upon Him by Section 434 of the Merchant Shipping Act 1894, His Majesty by Order in Council, dated the 13th day of October, 1910, prescribed certain signals of distress :

And whereas by sub-section (4) of Section 25 of the Merchant Shipping (Saftey and Load Line Conventions) Act, 1932, hereinafter called the Conventions Act) it is provided that Section 434 of the Merchant Shipping Act, 1894, should cease to have effect, but that any Rules made thereunder should, until revoked, have effect as though they had been made under the provisions of Section 25 of the Conventions Act :

And whereas by sub-section (1) of section 25 of the Conventions Act, it is provided that His Majesty may by Order in Council prescribe what signals shall be signals of distress :

And whereas it is expedient to prescribe certain additional signals of distress :

Now, therefore, His Majesty, by and with the advice of His Privy Council, by virtue of the authority conferred on Him by the Conventions Act and all other powers enabling Him in that behalf is pleased to order, and doth hereby order, as follows :—

1. The following signals of distress for use both in the day time and at night shall be added to those contained in Article 31 of the First Schedule to the Order in Council dated the 13th day of October, 1910.

(1) (*a*) A signal made by radiotelegraphy or by any other distance signalling method consisting of the group ● ● ● ▬ ▬ ▬ ● ● ● in the Morse Code.

(*b*) A signal sent by radiotelephony consisting of the spoken word "May, day."

(2) A signal sent by radiotelegraphy in the Morse Code consisting of a series of twelve dashes, each of four seconds duration, transmitted in one minute with an interval of one second between each dash.

2. The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. This Order may be cited as the Merchant Shipping (Distress Signals) Order, 1932, and shall come into operation on the first day of January, 1933.

*M. P. A. Hankey.*

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*The Merchant Shipping (Urgency Signal) Order, 1932.*

At the Court at Buckingham Palace, the 10th day of November, 1932.

PRESENT.

The King's Most Excelelnt Majesty in Council.

Whereas by sub-section (1) of section 25 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, it is provided that His Majesty may by Order in Council prescribe what signals shall be signals of urgency :

Now, therefore, His Majesty, by and with the advice of His Privy Council, and by virtue of the authority conferred on Him by the aforesaid Act and of all other powers enabling Him in that behalf, is pleased to order, and doth hereby order, as follows :—

1. The following signal shall be a signal of urgency that is to say :—

Several repetitions of the group XXX in the Morse Code sent by radiotelegraphy with the letters of each group and the successive groups clearly separated from each other.

2. The Interpretation Act, 1889, shall apply to the Interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. This Order may be cited as the Merchant Shipping (Urgency Signal) Order, 1932, and shall come into operation on the 1st day of January, 1933.

*M. P. A. Hankey.*

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PRESS COMMUNIQUÉ.

MERCHANT SHIPPING.

Articles 42 to 44 of the International Convention for the Safety of Life at Sea, 1929, lay down the procedure regarding the use of distress and urgency signals on board ships. The International Convention has been ratified by His Majesty's Government in the United Kingdom and by several other countries and has already come into force for ships registered in those countries. The Government of India also propose to ratify the Convention and are undertaking necessary legislation for the purpose.

2. His Majesty's Government in the United Kingdom have now prescribed certain additional signals of distress and the signal of urgency. It is considered that similar instructions should be issued in India in advance of the ratification of the Convention, since in the interests of the safety of navigation it is desirable that there should be the greatest possible uniformity of practice in this matter. The Government of India are accordingly pleased to issue the following instructions :—

I. The following signals of distress for use both in the day time and at night shall be added to those contained in Article 31 of the First Schedule to the Order in Council, dated the 13th day of October 1910 :—

(1) (*a*) A signal made by radiotelegraphy or by any other distance signalling method consisting of the group ● ● ● ▬ ▬ ▬ ● ● ● in the Morse Code.

(*b*) A signal sent by radiotelephony consisting of the spoken word "May-day."

(2) A signal sent by radiotelegraphy in the Morse Code consisting of a series of twelve dashes, each of four seconds duration transmitted in one minute with an interval of one second between each dash.

II. The following signal shall be a signal of urgency—that is to say :—

Several repetitions of the Group XXX in the Morse Code sent by radiotelegraphy with the letters of each group and the successive groups clearly separated from each other.

A. RAISMAN,

Joint Secretary to the Government of India.

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## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATIONS.

GENERAL.

Simla, the 20th April 1933.

**No. F. 60-15/33.**—The services of Khan Bahadur Sheikh Khurshaid Muhammad, Officiating Deputy Secretary to the Government of India in the Department of Education, Health and Lands, are replaced at the disposal of the Government of the Punjab, with effect from the afternoon of the 12th April, 1933.

G. S. BAJPAI,

Secretary to the Government of India.

HEALTH.

Th 20th April 1933.

**No. F. 13-10/33.**—Major R. S. Aspinall, F.R.C.S.E., I.M.S., is appointed to be Civil Surgeon, Simla East, with effect from the 1st April, 1933.

RAM CHANDRA,

Joint Secretary to the Government of India.

## ARMY DEPARTMENT.

Simla the 22nd April 1933.

## PART B.

JUDICIAL.

**No 230.**—The following draft of certain further amendments to the Auxiliary Force Rules, 1920, which it is proposed to make in exercise of the powers conferred by section 30 of the Auxiliary Force Act, 1920 (XLIX of 1920), is published, as required by sub-section (4) of the said section, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Governor General in Council on or after the 15th May 1933.

Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Governor General in Council.

*Draft Amendments.*

1. In rule 6 of the Auxiliary Force Rules, 1920 (hereinafter referred to as "the said rules")—

(a) To sub-rule (2), the following words shall be added, namely :—" and if the corps or unit is a railway corps or unit he shall not be enrolled therein unless he is employed by the railway administration concerned."

(b) in sub-rule (3) for the words " competent military authority", the words "District Commander or a military officer appointed by him in this behalf" shall be substituted.

2. In rule 9 of the said Rules—

(a) in sub-rule 2, for the words " competent military authority," the words " Brigade Commander " shall be substituted.

(b) in the Table annexed to sub-rule (5), for the words " The competent Military Authority " occurring in column 2 opposite items (d) and (e) and sub-clause (ii) of item (f) in the first column the words " The Brigade Commander " shall be substituted ;

(c) for sub-rule (6), the following sub-rule shall be substituted, namely :—

" (6) Where the authority competent to authorise discharge under sub-rule (5) is the Officer Commanding the Corps or unit, the discharge may also be authorised by the Brigade Commander, the District Commander, the General Officer Commanding in Chief of the Command, the Commander-in-Chief of His Majesty's Forces in India, or the Governor General in Council. Where the authority competent to authorise discharge is the Brigade Commander, the discharge may also be authorised by the District Commander, the General Officer Commanding in Chief of the Command, the Commander-in-Chief of His Majesty's Forces in India, or the Governor General in Council."

3. In sub-rule (5) of rule 10 of the said Rules, for the words " competent military authority " the words " District Commander or a military officer appointed by him in this behalf " shall be substituted.

4. In rule 11 of the said rules—

(a) for the words " competent military authority " wherever they occur, the words " District Commander or a military officer appointed by him in this behalf " shall be substituted ;

(b) in clause (e) of sub-rule (1), for the words " for a period of training in camp exceeding in the case of the Active Class, ten days or, in the case of the First (A) Class of the Reserve, six days, " the words " except in the case of the Active Class " shall be substituted.

5. For rule 12 of the said rules, the following rule shall be substituted, namely—

" 12. (1) Officers and men of the Active Class of the Auxiliary Force, India, are entitled to pay at the rates laid down in Schedule III for every day of preliminary or periodical training completed provided that preliminary and periodical training shall not both be undergone in the same training year.

(2) any non-commissioned officer or private who—

(a) completes in a training year the periodical training ordered by the Commander-in-Chief of His Majesty's Forces in India for the Active Class, and

(b) during such periodical training, actually spends at least one period of four consecutive days, or two periods of three consecutive days each, in camp, shall receive a bonus equivalent to the pay admissible under sub-rule (1), Provided that a non-commissioned officer or private belonging to a railway corps or unit shall not receive such bonus unless he spends in camp the whole period of such training".

6. In rule 14 of the said Rules, for the words "competent military authority to any regular forces" the words "Brigade Commander to any regular forces, except for the purpose of carrying out preliminary or periodical training' shall be substituted.

7. In rule 16 of the said Rules, for clause (f) the following clause shall be substituted, namely :—

"(f) severely reprimand or reprimand the offender ; or"

8. In rule 19 of the said rules, for the words "competent military authority" the words "Commander,-in-Chief of His Majesty's Forces in India" shall be substituted

9. After rule 20 of the said rules, the following rule shall be inserted, namely :—

"21. (1) The competent military authority for the purpose of sub-section (1) of section 8 of the Act, shall be the Officer Commanding the Corps or unit to which the enrolled person is to be appointed.

(2) The competent military authority for the purpose of sections 9 and 11 of the Act, shall be the Commander-in-Chief of His Majesty's Forces in India.

(3) The competent military authority for the purposes of sub-section (4) of section 12, section 14, section 22, sub-clause (c) clause (1) of section 24, section 26 and section 34 of the Act shall be the Brigade Commander concerned.

(4) The competent military authority for the purposes of section 13, sub-section (2) of section 17 and sub-section (1) of section 28 of the Act shall be the District Commander or a military officer appointed by him in this behalf.

(5) The competent military authority for the purpose of sub-section (1) of section 15 of the Act shall be the District Commander who initiates the transfer, except in the case of a transfer from one corps or unit to another corps or unit in an area commanded by the same District Commander, when the competent military authority shall be the Officer Commanding the Corps or Unit who initiates the transfer.

(6) The competent military authority for the purpose of sub-section (2) of section 15 of the Act shall be the Officer Commanding the Corps or unit to which the person is transferred.

(7) The competent military authority for the purpose of section 16 and sub-section (3) of section 28 of the Act shall be the District Commander."

G. R. F. TOTTENHAM,
Secy. to the Govt. of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATIONS.

Simla, the 18th April 1933.

**No. M.-1169.**—The Government of India are pleased to appoint Lieutenant-Colonel Sir Hasan Suhrawardy, Kt., O. B. E., M. D., F. R. C. S., D. P. H., Vice-Chancellor, Calcutta University, to be a member of the Governing Body of the Indian School of Mines, as representative of the Calcutta University, for the period ending on the 30th June 1934 *vice* Mr. Hemchandra Dasgupta, M. A., F. G.-S., deceased.

The 20th April 1933.

**No. M.-1265.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Indian Mines Act, 1923 (IV of 1923), the Governor General in Council is pleased to appoint the undermentioned officers to be *ex-officio* Inspectors of Mines :—

*Punjab.*—

The Director of Public Health, Punjab.
The Assistant Director of Public Health, Ráwalpindi Circle.
The Assistant Director of Public Health, Lahore Circle.
The Assistant Director of Public Health, Ambala Circle.
The District Medical Officer of Health, Jhelum.
The District Medical Officer of Health, Shahpur.
The District Medical Officer of Health, Miánwáli.
The District Medical Officer of Health, Attock.
The District Medical Officer of Health, Ráwalpindi.
The District Medical Officer of Health, Kángra.
The District Medical Officer of Health, Gurgáon.

A. G. CLOW,
Joint Secy. to the Govt. of India.

FROM THE "GAZETTE OF INDIA," EXTRAORDINARY, DATED SIMLA, TUESDAY, APRIL 25, 1933.

GOVERNMENT OF INDIA.

## FINANCE DEPARTMENT.

NOTIFICATION.

No. F. 3 (2) F/33.

*Dated Simla, the 25th April 1933.*

**Subscriptions for an issue of a 3½ per cent. Loan, 1947-50, will be received from the 28th April 1933. The loan will consist of two sections:—**

**A. Cash, and**

**B. Conversion,**

**subscriptions to each section being limited to a total of Rs. 15 crores (nominal) approximately.**

**Subscription to section A may be in any of the following forms, viz.,**

**(i) Securities of the 4 per cent. Conversion Loan of 1916-17,**

**(ii) Cash,**

**(iii) Treasury bills maturing not later than the 10th May 1933, and**

**(iv) Securities of the 5 per cent. War Loan, 1929-47, the 5 per cent. Bonds, 1933, and the 6 per cent. Bonds, 1933-36.**

**Subscriptions to section B may be in the form of securities of the loans mentioned below, viz.,**

**(i) the 4½ per cent. Bonds, 1934,**

**(ii) the 5 per cent. Bonds, 1935, and**

**(iii) the 6½ per cent. Treasury Bonds, 1935.**

**Section A of the loan will be closed to subscriptions without notice as soon as it appears that a total of Rs 15 crores (nominal) approximately has been reached, and in any case not later than the 29th April 1933 In the event of subscriptions exceeding the limit of Rs. 15 crores (nominal) mentioned above, partial allotment will be made. In making such allotments subscriptions in the form of the 4 per cent. Conversion Loan of 1916-17 will be accepted in full and preference will be given firstly to subscriptions in cash and secondly to subscriptions in the form of treasury bills over subscriptions in the form of the 5 per cent. War Loan, 1929-47, the 5 per cent. Bonds, 1933, and the 6 per cent. Bonds, 1933-36.**

**Section B of the loan will be closed to subscriptions without notice as soon as it appears that a total of Rs. 15 crores (nominal) approximately has been reached, and in any case not later than the 13th May 1933.**

**3½ per cent. Loan, 1947-50, issued at Rs. 96 per cent. and redeemable at par not earlier than 1947 and not later than 1950.**

2. DATE OF REPAYMENT.—If not previously repaid, the loan will be repaid at par on the 15th November 1950, but the Government of India reserve to themselves the right to repay the loan or any part of it, at par, on or after the 15th November 1947, on giving three calendar months' notice in the *Gazette of India*.

3. ISSUE PRICE.—The issue price will be Rs. 96 for every Rs. 100 of the loan applied for.

4. INTEREST.—The loan will bear interest at the rate of 3½ per cent. per annum from the 15th May 1933. Interest will be payable half-yearly on the 15th November and the 15th May, and will be liable to income-tax.

## MISCELLANEOUS TERMS FOR CASH SECTION.

5. Treasury bills will be accepted at their face value. Securities of the 4 per cent. Conversion Loan of 1916-17 and of the 5 per cent. War Loan, 1929-47, will be accepted at par; and securities of the 5 per cent. Bonds, 1933, and of the 6 per cent. Bonds, 1933-36, at Rs. 100-12 annas.

Interest at the rate of 3½ per cent. per annum will be paid on the nominal value of the new loan allotted from the date of application up to the 14th May 1933.

Interest at existing rates will be paid on securities accepted as subscription up to the date preceding the date of application.

If the value of the treasury bills or securities accepted as subscription is not an exact multiple of the issue price per cent. of the loan allotted, the applicant will receive in cash, at the time of issue of the new securities, the amount by which the value of the treasury bills or securities accepted exceeds the nearest lower multiple of such issue price.

## CONVERSION TERMS.

### 4½ per cent. Bonds, 1934.

6. For every Rs. 100 (nominal value) of the 4½ per cent, Bonds, 1934, tendered for conversion, applicants will receive Rs. 100 (nominal value) of the 3 per cent. Loan, 1947-50, bearing interest from the 15th May 1933, and the following payments in cash at the time of issue of the new securities :—

(*a*) Rs. 6-2 annas as cash bonus on conversion ; and

(*b*) interest accrued on the 4½ per cent. Bonds, 1934, tendered for conversion, up to the 14th May 1933, at the rate of 4½ per cent. per annum.

### 5 per cent. Bonds, 1935.

7. For every Rs. 100 (nominal value) of the 5 per cent. Bonds, 1935, tendered for conversion, applicants will receive Rs. 100 (nominal value) of the 3½ per cent. Loan, 1947-50, bearing interest from the 15th May 1933, and the following payments in cash at the time of issue of the new securities :—

(*a*) Rs. 8 as cash bonus on conversion ; and

(*b*) interest accrued on the 5 per cent. Bonds, 1935, tendered for conversion, up to the 14th May 1933, at the rate of 5 per cent. per annum.

### 6½ per cent. Treasury Bonds, 1935.

8. For every Rs. 100 (nominal value) of the 6½ per cent. Treasury Bonds, 1935, tendered for conversion, applicants will receive Rs. 100 (nominal value of the 3½ per cent. Loan, 1947-50, bearing interest from the 15th May 1933, and the following payments in cash at the time of issue of the new securities :—

(*a*) Rs. 11-8 annas as cash bonus on conversion ; and

(*b*) interest accrued on the 6½ per cent. Treasury Bonds, 1935, tendered for conversion, up to the 14th May 1933, at the rate of 6½ per cent. per annum.

### Supplementary Provisions.

9. The loan will be issued in the form of—

(*i*) Stock, the applicants for which will be given Stock Certificates, or

(*ii*) Promissory Notes.

If no preference is stated by the applicant, the securities will be issued in the form of Promissory Notes.

10. Applications for the loan must be for Rs. 100 or a multiple of that sum.

11. Applications for both sections of the loan will be receive dat the Local Head Offices and Indian branches of the Imperial Bank of India and at all Government treasuries.

12. Applications may be in the form attached hereto, or in any other form which states clearly the amount and description of the securities required, the full name and address of the applicant, and the treasury or sub-treasury at which he desires that interest shall be paid. Applications should be accompanied by the necessary payment in any of the forms mentioned below.

13. (*a*) For the *cash* section of the loan, payment may be made in any of the following forms :—

(*i*) IN CASH OR BY CHEQUE.—Cheques accompanying applications presented at a Local Head Office or branch of the Imperial Bank of India, or at a Government treasury, should be drawn in favour of the Secretary and Treasurer, or the Agent of the branch, or the Treasury officer, as the case may be.

(*ii*) IN INDIAN TREASURY BILLS.—At the Local Head Offices of the Imperial Bank of India at Calcutta, Bombay and Madras, and at the Cawnpore, Lahore, Karachi and Rangoon branches of the Bank, Indian Treasury Bills maturing not later than the 10th May 1933 and payable at the place of presentation will be accepted at their face value.

(*iii*) BY TENDER OF SECURITIES of the 4 per cent. Conversion Loan of 1916-17, the 5 per cent. War Loan, 1929-47, the 5 per cent. Bonds, 1933, and the 6 per cent. Bonds, 1933-36, of which the nominal value is a multiple of Rs. 100.

(*b*) For the *conversion* section, payment may be made :—

BY TENDER OF SECURITIES of the 4½ per cent. Bonds, 1934, the 5 per cent. Bonds, 1935, and the 6½ per cent. Treasury Bonds, 1935.

Applicants who tender securities in payment must transfer such securities to Government (*a*) in the case of Promissory Notes, by endorsing them with the words " Pay to the Governor General in Council " over their signature, and (*b*) in the case of stock, by signing the form of transfer deed on the back of the Stock Certificate before a witness. In the case of Bearer Bonds no writing is necessary.

14. In the case of partial allotment in respect of subscriptions in the form of treasury bills or securities, the Government of India reserve to themselves the right to accept only such portion of the treasury bills or securities tendered as they deem convenient and to refund the balance at the time of issue of the new securities.

In the case of partial allotment in respect of subscriptions in cash, the excess subscription will be refunded in cash at the time of issue of the new securities and no interest will be paid on the amounts so refunded.

15. Brokerage will be paid at the rate of 1/16 per cent. to recognised brokers and bankers on applications for the loan bearing their stamp.

16. Applications accompanied by tender of securities of the 4½ per cent. Bonds, 1934, the 5 per cent. Bonds, 1935, and the 6½ per cent. Treasury Bonds, 1935, will also be received at the London office of the Imperial Bank of India.

Cash payments due in accordance with paragraphs 6—8 above will be paid by the London office of the Imperial Bank of India by means of rupee drafts on India which will be negotiated by the Bank, if the recipient so desires, at the current rate on the date of payment of subscription.

The London office of the Imperial Bank of India will send advices to the Public Debt Office, Calcutta, of all applications received by them, and the latter will forward the scrip direct to the applicants.

By order of the Governor General in Council,

J. B. TAYLOR,

*Offg. Secretary to the Government of India.*

## FORM OF APPLICATION.

I/We ______________________________

herewith tender

| | |
|---|---|
| Cash / Cheque for | Rs. |
| Indian Treasury Bills of the nominal value of | Rs. |
| 4 per cent. Conversion Loan of 1916-17, of the nominal value of | Rs. |
| 5 per cent. War Loan, 1929-47, of the nominal value of | Rs. |
| $4\frac{1}{2}$ per cent. Bonds, 1934, of the nominal value of | Rs. |
| 5 per cent. Bonds, 1933, of the nominal value of | Rs. |
| 5 per cent. Bonds, 1935, of the nominal value of | Rs. |
| 6 per cent. Bonds, 1933-36, of the nominal value of | Rs. |
| $6\frac{1}{2}$ per cent. Treasury Bonds, 1935, of the nominal value of | Rs. |

and request that $3\frac{1}{2}$ per cent. Loan, 1947-50, of the nominal value of

Rs. ______________ may be issued to me/us in the form of Promissory Note(s)*/Stock Certificate,

interest to be payable at ______________________

Signature ______________________

Name in full ______________________

Address ______________________

______________________

Dated ______________ 1933.

NOTE.—Securities tendered for conversion should be endorsed with the words "Pay to the Governor General in Council" over the signature of the applicant if they are in the form of Promissory Notes, and the transfer deed on the back should be signed by him before a witness if they are in the form of Stock Certificates. In the case of Bearer Bonds no writing is necessary.

*Promissory Notes will be issued in denominations of Rs. 100, Rs. 200, Rs. 500, Rs. 1,000, Rs. 5,000, Rs. 10,000, Rs. 25,000 Rs. 50,000, and Rs. 1,00,000. State here particular denominations required.

127CS—800—27-4-33—SGPP Lahore.

Registered No. L. 864.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, MAY 12, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, APRIL 29, 1933.

### LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 26th April 1933.

No. 4-II/33-P.—The following Statute is published for general information :—

THE INDIAN PAY (TEMPORARY ABATEMENTS) ACT, 1933.

(23 Geo. 5, c. 7.)

CHAPTER 7.

An Act to extend the period in respect of which abatements from pay may be made under the Indian Pay (Temporary Abatements) Act, 1931, subject to a reduction in the percentage to which such abatements are limited.

[29th March 1933.]

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Extension of duration and reduction of limit, of abatements.

22 and 23 Geo. 5 c. 7.

1. The period in respect of which abatements from pay may be made under the Indian Pay (Temporary Abatements) Act, 1931, shall be extended so as to expire on the thirty-first day of March, nineteen hundred and thirty-four, and accordingly proviso (a) to sub-section (1) of section one of that Act shall be amended by substituting for the words "thirty-first day of March, nineteen

hundred and thirty-three " the words " thirty-first day of March, nineteen hundred and thirty-four ":

Provided that no abatements exceeding five per cent. shall be made under the said Act from any pay in so far as it is payable in respect of any period after the thirty-first day of March, nineteen hundred and thirty-three.

Short title, construction and citation.

2. This Act may be cited as the Indian Pay (Temporary Abatements) Act, 1933, and shall be construed as one with the Indian Pay (Temporary Abatements) Act, 1931, and that Act and this Act may be cited together as the Indian Pay (Temporary Abatements) Acts, 1931 and 1933.

L. GRAHAM,

Secretary to the Government of India.

## HOME DEPARTMENT.

### NOTIFICATIONS.

JAILS.

Simla, the 22nd April 1933.

**No. F. 118/32.**—In exercise of the powers conferred by clause (5) of section 59 of the Prisons Act, 1894 (IX of 1894), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the rules to regulate the shortening of sentences by the grant of remissions, published with the Home Department Resolution No. 161-172-Jails, dated the 25th June 1908, namely :—

(*i*) To rule 12 of the said rules the following words shall be added, namely :—

" or if remission sheets (or cards) are not maintained, in a general remission register."

(*ii*) In rule 23 of the said rules for the words " preceding quarter " the words " previous month " shall be substituted.

(*iii*) In rule 24 of the said rules for the words " or his transfer to another jail, " the following shall be substituted, namely :—

" When a prisoner is transferred to another jail, his remission sheet (or card, where such are maintained, or where they are not maintained a statement, certified by the Superintendent, of the total remission earned up to the date of transfer, shall be sent with the prisoner."

T. SLOAN,

Joint Secretary to the Government of India.

PUBLIC.

The 24th April 1933.

**No. F. 45/24/33.**—The services of Khan Sahib Ahmad Hassan Khan, P.C.S., Superintendent of Census Operations in the Punjab, are replaced at the disposal of the Government of the Punjab, with effect from the forenoon of the 1st April 1933.

T. SLOAN,

Joint Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

### NOTIFICATION.

CUSTOMS.

Simla, the 29th April 1933.

**No. 23.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Finance Department (Central Revenues), No. 14-Customs, dated the 9th April 1932, namely :—

In Schedule I to the said notification, entry No. 11 shall be omitted.

G. S. HARDY,

Joint Secretary to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATIONS.

COMMERCE.

Simla, the 29th April 1933.

**No. 45-C.-2/33.**—In exercise of the powers conferred by sub-section (3) of section 4 of the Indian Soft Coke Cess Act, 1929 (VIII of 1929), the Governor-General in Council is pleased, on the recommendation of the Indian Mining Association, Calcutta, to nominate Mr. R. B. Whitehead to the Indian Soft Coke Cess Committee, *vice* Mr. J. A. McKerrow, resigned.

T. A. STEWART,

Offg. Secretary to the Government of India.

ECCLESIASTICAL.

The 29th April 1933.

**No. 93 (3).**—The Most Reverend Foss Westcott, M.A., D.D., Lord Bishop of Calcutta and Metropolitan in India and the Island of Ceylon, is granted furlough for three months and twenty days, with effect from the afternoon of the 25th May 1933.

LIGHTHOUSES.

The 29th April 1933.

**No. 19-P. & L./33**—In pursuance of sub-section (1) of section 4 of the Indian Lighthouse Act, 1927 (XVII of 1927), the Governor General in Council has been pleased to appoint a Central Advisory Committee for Lighthouses for a period of two years from the 1st April 1933, consisting of the following gentlemen :—

*Chairman*—

Secretary to the Government of India, Department of Commerce, *ex-officio*, or an officer deputed by him to act as Chairman on his behalf.

*Members*—

Nautical Advisor to the Government of India, *ex-officio*.

Mr. A. O. Brown.
Mr. F. Birley, M.L.C.
Mr. J. J. Flockhart.
Mr. M. A. Master, B.A., LL. B.
Mr. S. N. Haji, B.A. (Oxon), Bar.-at-Law.
Mr. C. Gopal Menon.
Mr. Kaikobad Cowasjee Dinshaw.

A. RAISMAN,

Joint Secretary to the Government of India.

RESOLUTION.

TARIFFS.

The 29th April 1933.

**No. 291-T.-(77).**—With reference to the Resolution in this Department No. 291-T.-(64), dated the 23rd April 1931, the Government of India have decided to extend the appointment of the Tariff Board for the period from the 5th July 1933 to the 31st March 1934.

T. A. STEWART,

Offg. Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATIONS.

AGRICULTURE.

Simla, the 24th April 1933.

**No. F. 136/33.**—In consequence of the vacancy caused by the retirement of Sardar Sampuran Singh, the Governor-General in Council is pleased to nominate Rao Bahadur M. G. Deshpande, Managing Director of the Central Provinces and Berar Co-operative Provincial Bank, Nagpur, to be a member of the Indian Central Cotton Committee, to represent co-operative banking.

RAM CHANDRA,

Joint Secretary to the Government of India.

HEALTH.

The 27th April 1933.

**No. F. 66-8/32.**—Lieutenant-Colonel V. N. Whitamore, O.B.E., F.R.C.S. (Edin.), I.M.S., Civil Surgeon, Simla (West), is granted leave on average pay for three months and 20 days, with effect from the afternoon of the 30th November 1932 to the 20th March 1933, inclusive.

This Department Notification No. F. 56-8/32-H., dated the 24th November 1932, granting him leave on average pay for four months is hereby cancelled.

RAM CHANDRA,

Joint Secretary to the Government of India.

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L. & O.

The 26th April 1933.

**No. F. 295/32.**—In exercise of the powers conferred by section 24 of the Indian Emigration Act, 1922 (VII of 1922), the Governor-General in Council is pleased to direct that the following further amendments having been previously published as required by sub-section (1) of the said section, shall be made in the Indian Emigration Rules, 1923, namely :—

1. In rule 9 of the said Rules for the words " shall induce, or attempt to induce " the words " shall cause or assist, or attempt to cause or assist " shall be substituted.
2. In sub-rule (1) of rule 17 of the said Rules for the words " whom he attempts to induce " the words " whom he causes or assists, or attempts to cause or assist " shall be substituted.

G. S. BHAJPAI,

Secretary to the Government of India.

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## ARMY DEPARTMENT.

### Part B.

Simla, the 29th April 1933.

JUDICIAL.

**No. 248.**—In exercise of the powers conferred by section 129 of the Indian Air Force Act, 1932 (XIV of 1932), the Governor-General in Council is plessed to make the following rules :—

## INDIAN AIR FORCE ACT RULES.

### CHAPTER I.

PRELIMINARY.

1. *Short title.*—These rules may be cited as the " Indian Air Force Act Rules ".

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(*a*) " Proper air force authority " when used in relation to any power, duty, act or matter, means such air force authority as, in pursuance of the Regulations for the Indian Air Force or the custom of the service, exercises or performs that power or duty or is concerned with that act or matter.

(*b*) " The Act " means the Indian Air Force Act, 1932.

3. *Reports and Applications.*—Any report or application directed by these rules to be made to a superior authority, or proper air force authority, shall be made in writing through the proper channel, unless the authority, on account of exigencies of the service, or otherwise, dispenses with the writing.

4. *Forms in Appendices.*—(*a*) The forms set forth in the appendices to these rules, with such variations as the circumstances of each case require, may be used for the respective purposes therein mentioned, and if used shall be sufficient, but a deviation from such forms will not, by reason only or such deviation, render any charge, warrant, order, proceedings or other document invalid.

(*b*) An omission of any such form will not, by reason only of such omission, render any act or thing invalid.

(*c*) The notes to, and instructions in, the forms will be considered as instructions which it is expedient to follow in all cases to which such notes and instructions apply, but shall not have the force of rules.

5. *Exercise of power vested in holder of air force appointment.*—Any power or jurisdiction given to, and any act or thing to be done by, to, or before any person holding any air force appointment may be exercised by, or done by, to, or before any other person for the time being authorised in that behalf according to the custom of the service.

6. *Cases' unprovided for.*—In any case not provided for by these rules such course will be adopted as appears best calculated to do justice.

## CHAPTER II.

### ENROLMENT AND ATTESTATION.

7. *Enrolling officers.*—The following officers shall be "enrolling officers" for the purposes of sections 7, 8 and 9 of the Act :—

| | |
|---|---|
| (i) All recruiting officers.<br>(ii) All assistant recruiting officers.<br>(iii) The officer commanding a unit of the Indian Air Force.<br>(iv) The officer commanding a Depôt or Park of the Royal Air Force. | As regards all persons. |
| (v) The officer commanding a Royal Air Force unit. .. | As regards persons enrolled for service in that unit. |

8. *Persons to be attested.*—All combatants, and all enrolled non-combatants other than followers, shall, when reported fit for the duties of their trade or class of employment, be attested as provided in section 12 of the Act.

9. *Oath or affirmation to be taken on attestation.*—(a) The oath or affirmation to be taken on attestation will be in one of the following forms or in such other form to the same purport as the attesting officer ascertains to be in accordance with the religion of the person to be attested, or otherwise binding on his conscience.

*Form of oath.*

I________________ swear by Almighty God that I will be faithful and bear true allegiance to His Majesty the King-Emperor, His heirs and successors, and that I will, as in duty bound, honestly and faithfully serve in His Majesty's Indian Air Force and go wherever I may be ordered by air, land or sea and that I will observe and obey all commands of any officer set over me even to the peril of my life.

*Form of affirmation.*

I________________ solemnly affirm in the presence of Almighty God that I will be faithful and bear true allegiance to His Majesty the King-Emperor, His heirs and successors, and that I will, as in duty bound, honestly and faithfully serve in His Majesty's Indian Air Force and go wherever I may be ordered by air, land or sea and that I will observe and obey all commands of any officer set over me even to the peril of my life.

(b) The oath or affirmation prescribed in this rule shall, whenever practicable, be administered by the commanding officer of the person to be attested, or in the presence of such commanding officer by a person empowered by him to administer it in the manner described in section 12 of the Act. If it is not so administered, it may be administered by a magistrate, a recruiting officer or an assistant recruiting officer.

## CHAPTER III.

### DISMISSAL AND DISCHARGE.

10. *Discharge not to be delayed.*—Every person enrolled under the Act shall, when entitled under the conditions of his enrolment to be discharged, be so discharged with all convenient speed.

11. *Discharge Certificates.*—A certificate furnished in accordance with the provisions of section 16 of the Act, hereinafter called a "discharge certificate" may be so furnished either by personal delivery thereof by or on behalf of the commanding officer to the person dismissed or discharged or by its transmission by registered post to such person.

12. *Date from which discharge or dismissal, otherwise than by sentence of court-martial, takes effect.*—The dismissal of a person subject to the Act, whose dismissal otherwise than by sentence of a court-martial is duly authorised, or the discharge of a person so subject whose discharge is duly authorised, shall be carried out by the commanding officer of such person with all convenient speed. The authority competent to authorise such dismissal or discharge may, when authorising the dismissal or discharge, specify

any future date from which it shall take effect: Provided that if no such date is specified the dismissal or discharge shall take effect from the date on which it was duly authorised, or from the date on which the person dismissed or discharged ceased to do air force duty whichever is the later date.

13. *Authorities empowered to authorise discharge.*—The authorities specified in column 3 of the table below shall be the authorities competent, in respect of the persons specified in column 1 and for the causes and in the manner specified in columns 2 and 4 respectively, to discharge from the service persons subject to the Act. In this table "Commanding Officer" means the officer commanding the corps or unit to which the person to be discharged belongs. Any power conferred by this rule on any authority may be exercised by any higher authority.

| Class. | Cause of discharge. | Competent authority to authorise discharge. | Special Instructions. |
|---|---|---|---|
| Officers of the Indian Air Force. | All causes of discharge .. | The Governor-General in Council. | A notification in the *Gazette of India* of the retirement of an officer, the relinquishment of his commission, etc., shall be deemed to be a discharge within the meaning of sub-section (2) of section 2 of the Act. |
| Persons enrolled under the Act who have been attested. | (*i*) At his own request on transfer to the pension establishment. | Commanding Officer .. | To be carried out in accordance with the conditions of enrolment and with Section 17 of the Act and Rule 10. |
| | (*ii*) At his own request on fulfilling the conditions of his enrolment. | Commanding Officer .. | Ditto. |
| | (*iii*) Having been found medically unfit for further service. | Commanding Officer .. | To be carried out only on the recommendation of an Invaliding Board. |
| | (*iv*) On transfer to the pension establishment or on discharge with gratuity, otherwise than at his own request, or under item (*iii*). | Air Officer Commanding in India. | .. |
| | (*v*) Having been found inefficient in his rank or trade and being unwilling to accept reduction or remustering. | Air Officer Commanding in India. | An airman reported as inefficient will as far as vacancies allow, be permitted to remuster and/or accept reduction in any rank and trade for which he is reported as suitable. If, no such vacancy exists or if he declines to accept such remustering or reduction, he will be discharged under this item. Gratuity or pension earned will be admissible. |
| | (*vi*) At his own request before fulfilling the conditions of his enrolment. | Air Officer Commanding in India. | The Air Officer Commanding will exercise this power only when he is satisfied as to the *bona fides* of the application and that the strength of the unit will not thereby be unduly reduced. |
| | (*vii*) His services being no longer required. | Air Officer Commanding in India | *Inter alia* discharges due to reduction in establishments or to reorganisation will be carried out under this item. |
| | (*viii*) All other classes of discharge. | Air Officer Commanding in India. | .. |
| Persons enrolled under the Act but not attested. | (*ix*) Unlikely to make an efficient airman. | Commanding Officer .. | Applicable to airman undergoing training for a trade. |
| | (*x*) At his own request before fulfilling the conditions of his enrolment. | Air Officer Commanding in India. | The Air Officer Commanding will exercise this power only when he is satisfied as to the *bona fides* of the application and that the strength of the unit will not thereby be unduly reduced. |
| | (*xi*) All other classes of discharge. | Commanding Officer | .. |

## CHAPTER IV.

### INVESTIGATION OF CHARGES, SUMMARY PUNISHMENTS AND TRIALS OF COURT-MARTIAL.

### SECTION I.—*Investigation of Charges and Remand for Trial.*

14. *Duty of commanding officer as to investigation of charge for offence.*—Every commanding officer shall take care that a person under his command, when charged with an offence, is not detained in custody for more than forty-eight hours after the committal of such person into custody is reported to him, without the charge being investigated, unless investigation within that period seems to him impracticable with due regard to the public service. Every case of a person being detained in custody beyond a period of forty-eight hours, and the reason thereof, shall be reported by the commanding officer to the officer to whom application would be made to convene a general or district court-martial for the trial of the person charged.

Provided that Sunday, Good Friday and Christmas day shall be excluded in reckoning the periods of forty-eight hours specified in this rule.

15. *Disposal of the charge or adjournment for taking down the summary of evidence.*—(*a*) Every charge against a person subject to the Act shall be heard in the presence of the accused. The accused shall have full liberty to cross-examine any witness against him, and to call any witnesses and make any statement in his defence.

(*b*) The commanding officer shall dismiss a charge brought before him if, in his opinion, the evidence does not show that some offence under the Act has been committed, and may do so if, in his discretion, he thinks the charge ought not to be proceeded with.

(*c*) At the conclusion of the hearing of a charge, if the commanding officer is of opinion that the charge ought to be proceeded with, he shall, without unnecessary delay, either ;—

(1) dispose of the case summarily, or

(2) refer the case to the proper superior air force authority, as provided by Rule 17, or

(3) adjourn the case for the purpose of having the evidence reduced to writing.

(*d*) Where the case is adjourned for the purpose of having the evidence reduced to writing, at the adjourned hearing the evidence of the witnesses who were present and gave evidence before the commanding officer, whether against or for the accused, shall be taken down in writing in the presence and hearing of the accused before the commanding officer or such officer as he directs.

(*e*) The accused may put question in cross-examination to any witness, and the questions with the answers shall be added in writing to the evidence taken down.

(*f*) The evidence of each witness when taken down, as provided in (*d*) and (*e*), shall be read over to him, and shall be signed by him, or if he cannot write his name, shall be attested by his mark and witnessed. Any statement of the accused material to his defence shall be added in writing and read over to him.

(*g*) The evidence of the witnesses and the statement (if any) of the accused shall be recorded in the English language. If the witness or accused, as the case may be, does not understand English the evidence or statement, as recorded, shall be interpreted to him in a language which he understands.

16. *Remand of accused.*—(*a*) The evidence and statement (if any) taken down in writing in pursuance of Rule 15 (in these rules referred to as the summary of evidence) shall be considered by the commanding officer, who thereupon shall either—

(1) remand the accused for trial by court-martial ; or

(2) refer the case to the proper superior air force authority ; or

(3) if he thinks it desirable, rehear the case and dispose of it summarily.

(*b*) If the accused is remanded for trial by court-martial, the commanding officer shall without unnecessary delay apply to the proper air force authority to convene a court-martial.

(*c*) The summary of evidence, or a true copy thereof, shall be furnished to the convening authority with the application to convene a court-martial, and shall be laid before the court-martial before which the accused is tried on the assembly of the court.

*Minor Punishments.*

17. *Minor punishments. Persons below the rank of Warrant Officer.*—A commanding officer, if of the rank of Squadron Leader or above, may without the intervention of a court-martial, award summarily the following minor punishments to persons subject to this Act, below the rank of warrant officer :—

(*i*) To non-commissioned officers, whether acting or substantive :—

(*a*) Severe reprimand,

(*b*) Reprimand,

(*c*) Forfeiture of one rate of Good Service pay,

(*d*) Deprivation of acting rank,

(*e*) Admonition,

or a combination of (*c*) with any one of (*a*), (*b*), or (*e*).

(*ii*) To persons below non-commissioned rank :—

(*a*) Detention for a period not exceeding 28 days.

(*b*) Field Punishment, on active service only, for a period not exceeding 28 days.

(*c*) Confinement to lines for a period not exceeding 14 days.

(*d*) Forfeiture of one rate of Good Conduct pay.

(*e*) Fine to the extent of 7 days' pay in any one month (non-combatants only).

(*f*) Penal deduction, not in any case to exceed 14 days' pay, of the amount required to defray any expenses caused by him or to make good any loss of or damage or destruction done by him to any arms, ammunition, equipment, clothing, instruments, service necessaries, or military decoration, or to any buildings or property.

(*g*) Extra guards or duties, not exceeding three in number.

(*h*) Forfeiture of pay and allowances for a period not exceeding 28 days, on active service only.

(*i*) Admonition.

In making these awards (*f*) may be combined with (*a*) or (*b*) or (*c*) or (*d*) or (*g*) or (*i*), and (*d*) may be combined with any other punishment.

Provided that no minor punishment shall, unless the prior sanction in writing of an officer empowered to convene a district court-martial has been obtained, be awarded summarily in respect of an offence under any one of the following sections of the Act, namely :—

Sections 31, 32, 33 (when committed on active service), 34, 35, 36, 39, 40, 44, 53 (*c*), 54, 55 (*a*), (*b*), (*c*) and (*d*), 58.

Provided further that where a unit is located at an air force station to which a Station Commander superior to the Commanding Officer is appointed the powers of a Commanding Officer as set out in this Rule shall be vested exclusively in the Station Commander.

18. *Limitation of powers of minor punishment according to rank.*—(*a*) A commanding officer or other officer exercising the powers of a commanding officer who is below the rank of Squadron Leader but not below the rank of Flight Lieutenant shall have the full powers of punishment specified in Rule 17, provided that he shall not award detention or field punishment for a period exceeding 7 days.

(*b*) A commanding officer or other officer exercising the powers of a commanding officer who is below the rank of Flight Lieutenant shall have the powers of punishment specified in Rule 17, except those specified in clause (*i*) (*a*), (*c*) and (*d*) and in clause (*ii*) (*d*) of that Rule, provided that he shall not award detention, field punishment or forfeiture of pay and allowances for a period exceeding 7 days or confinement to lines for a period exceeding 10 days.

(*c*) Notwithstanding anything contained in sub-rule (*a*) or (*b*), a superior officer may, if he considers it desirable in view of the lack of experience of a commanding officer or other officer exercising the powers of a commanding officer who is below the rank of Squadron Leader, restrict his powers under the said sub-rules to any extent that he thinks fit.

19. *Powers of minor punishment of subordinate commanders.*—The subordinate commanders specified in the first column of the table below if authorised in this behalf by the commanding officer or other officer exercising the powers of a commanding officer may, without the intervention of a court-martial, award to the persons specified in the second

column, the minor punishments specified in the third column :—

| Authority competent to award punishment. | Person who may be punished. | Punishment. |
|---|---|---|
| Officer of the rank of Flight Lieutenant or above. | Non-commissioned Officer .. | (i) Reprimand.<br>(ii) Admonition. |
| | Airman below non-commissioned rank. | (i) Confinement to lines for a period not exceeding 7 days.<br>(ii) Extra guard or duties not exceeding 3 in number.<br>(iii) Admonition. |
| Officer below the rank of Flight Lieutenant. | Non-commissioned officer .. | Admonition. |
| | Airman below non-commissioned rank. | (i) Confinement to lines for a period not exceeding 3 days<br>(ii) Extra guards or duties not exceeding 3 in number.<br>(iii) dmonition. |

20. *Action by officer having power to convene a district court-martial.*—An officer having power to convene a district court-martial to whom a case is referred under the provisions of sub-clause (2) of sub-rule (a) of Rule 16 may, at his discretion, either:

(a) Authorize in writing the commanding officer " or other officer exercising the powers of a commanding officer " to dispose of the case summarily, or

(b) Refer the case to a superior authority, or

(c) Order the assembly of a district court-martial for the trial of the accused person.

21. *Minor punishments ; officers and warrant officers.*—An officer having the power of convening a general court martial may, without the intervention of court-martial, award summarily the following minor punishments :—

(i) To an officer below the rank of quadron Leader :—

(a) Forfeiture of seniority of rank not exceeding twelve months,

(b) Severe reprimand,

(c) Reprimand,

or a combination of (a), (b) and (d) or of (a), (c) and (d).

(ii) To a warrant officer :—

(a) Forfeiture of seniority of rank not exceeding twelve months,

(b) Severe reprimand,

(c) Reprimand.

(d) Any deduction authorised by the Act to be made from his ordinary pay,

or a combination of (a), (b) and (d) or of (a), (c) and (d).

Provided that, when it is proposed to award a punishment of forfeiture of seniority of rank, or of a deduction from ordinary pay, the accused officer or warrant officer shall be asked whether he desires to be dealt with summarily or to be tried by court-martial, and, if he elects to be so tried, he shall not be punishable summarily under this Rule.

22. *Action by officer having power to convene a general court-martial.*— An officer having power to convene a general court-martial, to whom application for the convening of such court-martial is made, may, at his discretion.

(a) Deal with the case summarily, as provided in Rule 21, or

(b) Order the assembly of a court-martial for the trial of the accused person.

23. *Summary award of punishment by commanding or other officer.*—When a commanding officer, or other officer having power to dispose of an offence, summarily, has once awarded a punishment for that offence, he cannot afterwards increase the punishment for that offence.

24. *Revision of minor punishments.*—(a) If a minor punishment appears to the Air Officer Commanding in India to be wholly illegal he shall direct that the award be cancelled and the entry in the records of the accused be expunged.

(b) If a minor punishment appears to the Air Officer Commanding in India to be in excess of the punishment authorized by law for the offence he may vary the punishment awarded so that it shall not be in excess of the punishment authorized by law, and the entry in the records of the accused shall be varied accordingly.

(c) If a minor punishment appears to the Air Officer Commanding in India to be too severe having regard to all the circumstances of the case he may remit the whole or part of the punishment awarded and such remission shall be entered in the records of the accused.

*Framing Charges.*

25. *Charge sheet and charge.*—(*a*) A charge-sheet shall contain the whole issue or issues to be tried by a court-martial at one time.

(*b*) A charge means an accusation contained in a charge-sheet, that a person subject to the Act has been guilty of an offence.

(*c*) A charge-sheet may contain one charge or several charges.

26. *Commencement of charge-sheet.*—Every charge-sheet shall begin with the name and description of the person charged, and state, in the case of an officer, his rank, name and corps or unit (if any), and in the case of a warrant officer, or other enrolled person, his number, rank, name and corps or unit (if any). When the accused person does not belong to the regular forces the charge-sheet shall show by the description of him, or directly by an express averment, that he is subject to the Act in respect of the offence charged.

27. *Contents of charge.*—(*a*) Each charge shall state one offence only, and in no case shall an offence be described in the alternative in the same charge.

(*b*) Each charge shall be divided into two parts—

(1) the statement of the *offence* ; and

(2) the statement of the *particulars* of the act, neglect, or omission constituting the offence.

(*c*) The offence shall be stated, if not a civil offence, in the words of the Act, and if a civil offence, in such words as sufficiently describe that offence, but not necessarily in technical words.

(*d*) The *particulars* shall state such circumstances respecting the alleged offence as will enable the accused to know what act, neglect, or omission is intended to be proved against him as constituting the offence.

(*e*) The particulars in one charge may be framed wholly or partly by a reference to the particulars in another charge, and in that case so much of the latter particulars as is so referred to shall be deemed to form part of the first mentioned charge as well as of the other charge.

(*f*) Where it is intended to prove any facts in respect of which any deduction from pay and allowances can be awarded as a consequence of the offence charged, the particulars shall state those facts, and the sum of the loss or damaged it is intended to charge.

28. *Validity of charge-sheet.*—(*a*) A charge-sheet shall not be invalid by reason only of any mistake in the name or description of the person charged, if he does not object to the charge-sheet during the trial, and it is not shown that injustice has been done to the person charged.

(*b*) In the construction of a charge-sheet or charge there shall be presumed in favour of supporting the same every proposition which may reasonably be presumed to be impliedly included though not expressed therein.

*Preparation of defence by accused person.*

29. *Opportunity for accused to prepare defence*—An accused person for whose trial a court-martial has been ordered to assemble shall be afforded proper opportunity of preparing his defence, and shall be allowed free communication with his witnesses, and with any friend or legal adviser whom he may wish to consult.

30. *Warning of accused for trial.*—(*a*) The accused before he is arraigned shall be informed by an officer of every charge on which he is to be tried ; and also that, on his giving the names of witnesses whom the desires to call in his defence, reasonable steps will be taken for procuring their attendance, and those steps shall be taken accordingly.

The interval between his being so informed of the charges against him and his arraignment must be such as to allow him to have his witnesses present, and to consider his defence.

(*b*) The officer at the time of so informing the accused shall give him a copy of the charge-sheet and, if he desires it, a vernacular translation of the same, and shall, if necessary read and explain to him the charges brought against him.

(*c*) If he desires it, a list of the names, ranks and corps or units of the officers who are to form the court, and where officers in waiting are named, also of these officers, will be given to the accused.

(*d*) If it appears to the court that the accused is liable to be prejudiced at his trial by any non-compliance with this rule, the court shall take steps and, if necessary, adjourn to avoid the accused being so prejudiced.

31. *Joint trial of several accused persons.*—Any number of accused persons may be tried together for an offence charged to have been committed by them collectively, but in such case notice of the intention to try the accused persons together shall be given to each

of the accused at the time of his being informed of the charge, and any accused person may claim, either by notice to the authority convening the court, or, when arraigned before the court, by notice to the court to be tried separately, on the ground that the evidence of one or more of the other accused persons proposed to be tried together with him will be material to his defence: the convening authority or court, if satisfied that the evidence will be material, and if the nature of the charge admits of it, shall allow the claim, and such accused person shall be tried separately.

*Exception from Rules.*

32. *Suspension of rules on the ground of the exigencies of the service or the necessities of discipline.*—Where it appears to the officer convening a court-martial, or to the senior officer on the spot, that exigencies of the service or to the necessities of discipline, render it impossible or inexpedient to observe any of the rules 15 (*d*), (*e*), (*f*), (*g*), 16, 29 and 30, he may, by order under his hand, make a declaration to that effect specifying the nature of such exigencies or necessities, and thereupon the trial or other proceedings shall be as valid as if the rule mentioned in such declaration had not been contained herein; and the declaration may be made with respect to any or all of the rules above in this rule mentioned in the case of the same court-martial.

Provided that the accused shall have full opportunity of making his defence, and shall be afforded every facility for preparing it which is practicable, having due regard to the said exigencies or necessities.

SECTION 2.—GENERAL AND DISTRICT COURTS-MARTIAL.

*Convening the Court.*

33. *Convening of general and district courts-martial.*—(*a*) An officer before convening a general or district court-martial shall first satisfy himself that the charges to be tried by the court are for offences within the meaning of the Act, and that the evidence justifies a trial on those charges, and if not so satisfied, shall order the release of the accused, or refer the case to superior authority.

(*b*) He shall also satisfy himself that the case is a proper one to be tried by the description of court-martial he proposes to convene.

(*c*) The officer convening a court-martial shall appoint or detail the officers to form the court, and may also appoint or detail such waiting officers as he thinks expedient. He may also, where he considers the services of an interpreter to be necessary, appoint or detail an interpreter to the court.

(*d*) The officer convening a court-martial shall send to the senior member thereof, the original charge sheet on which the accused is to be tried, the summary of evidence and the order for the assembly of the court-martial.

34. *Adjournment for insufficient number of officers.*—(*a*) If, before the accused is arraigned, the full number of officers detailed are not available to serve, by reason of non-eligibility, disqualification, challenge or otherwise, and if there are not a sufficient number of officers in waiting to take the place of those unable to serve the court shall ordinarily adjourn for the purpose of fresh members being appointed; but if the court are of opinion that in the interests of justice, and for the good of the service, it is inexpedient so to adjourn, they may, if not reduced in number below the legal minimum, proceed, recording their reasons for so doing.

(*b*) If the court adjourns for the purpose of the appointment of fresh members whether under these rules or otherwise, the convening officer may, if he thinks fit, convene another court.

35. *Ineligibility and disqualification of officers for court-martial.*—(*a*) An officer is not eligible to serve on a court-martial unless he is subject to naval, military or air force law.

(*b*) An officer is disqualified from serving on a general or district court-martial if he :—

(*i*) is the officer who convened the court,

(*ii*) is the prosecutor, or a witness for the prosecution, or

(*iii*) investigated the charges before trial, or took down the summary of evidence, or was a member of a Court of Inquiry respecting the matter on which the charges against the accused are founded, or was the flight, squadron, station, unit, or other commander who made preliminary inquiry into the case, or

(iv) is the commanding officer of the accused or of the unit to which the accused is attached or belongs, or

(v) has a personal interest in the case.

36. *Composition of general courts-martial.*—(a) The senior member of a general court martial shall be of a rank or equivalent rank not less than that of Group Captain, unless in the opinion of the convening officer, to be stated in the order convening the court and to be conclusive, an officer of that rank is not (having due regard to the public service) available.

(b) All members of a general court-martial for the trial of an officer shall be of equal if not superior rank to the accused, unless in the opinion of the convening officer, to be stated in the order convening the court and to be conclusive, officers of the required rank are not (having due regard to the public service) available; provided that in no case shall an officer under the rank or equivalent rank, of Flight Lieutenant be appointed a member of a court-martial for the trial of an officer of or above the rank of Squadron Leader.

37. *Composition of a district court-martial.*—(a) The senior member of a district court-martial shall be of a rank or equivalent rank not less than that of Squadron Leader, unless in the opinion of the convening officer, to be stated in the order convening the court and to be conclusive, an officer of that rank is not (having due regard to the public service) available.

38. *Units of members of courts-martial.*—(a) A general or district court-martial shall not be composed exclusively of officers of the same unit, unless the convening officer states in the order convening the court that in his opinion other officers are not (having due regard to the public service) available; and in no case shall it consist exclusively of officers belonging to the same units as the accused.

(b) Officers not subject to this Act shall not be appointed to serve on general or district courts-martial, if, in the opinion of the convening officer, sufficient suitable officers subject to this Act and qualified in accordance with the preceding Rules, are available.

*Procedure at Trial.—Constitution of Court.*

39. *Inquiry by court as to legal constitution.*—(a) On the court assembling, the order convening the court shall be read, and also the names, rank and corps or unit of the officers appointed to serve on the court; and it shall be the first duty of the court to satisfy themselves that the court is legally constituted (that is to say)—

(i) that, so far as the court can ascertain, the court has been convened in accordance with the Act, and these rules;

(ii) that the court consist of a number of officers not less than the legal minimum, and, save as mentioned in Rule 34, not less than the number detailed;

(iii) that each of the officers so assembled is eligible and not disqualified for serving on that court-martial.

(b) The court shall, further, if it is a general or district court-martial to which a judge-advocate has been appointed, ascertain that the judge-advocate is duly appointed and is not disqualified for acting at that court-martial.

(c) The court, if not satisfied on the above matters, shall report their opinion to the convening authority, and may adjourn for that purpose.

40. *Inquiry by court as to amenability of accused and validity of charge.*—(a) The court, when satisfied on the above matters, shall satisfy themselves in respect of each charge about to be brought before them—

(i) that it appears to be laid against a person subject to the Act and to the jurisdiction of the court, and

(ii) that each charge discloses an offence under the Act and is framed in accordance with these rules, and is so explicit as to enable the accused readily to understand what he has to answer.

(b) The court, if not satisfied on the above matters, shall report their opinion to the convening authority and may adjourn for that purpose.

*Procedure at Trial—Challenge and Swearing.*

41. *Appearance of prosecutor and accused.*—When the court have satisfied themselves as to the above facts, the prosecutor, who must be a person subject to military or air force law, shall take his place, and the court shall cause the accused to be brought before the court.

42. *Proceedings for challenges of members of court.*—The names of the president and members of the court shall then be read over to the accused and he shall be asked, as required by section 85 of the Act, whether he objects to be tried by any officer sitting on the court. Any such objections shall be disposed of in accordance with the provisions of section 85 of the Act ; provided that—

(*i*) The accused shall state the names of all the officers to whom he objects before any objection is disposed of.

(*ii*) The accused may call any person to give evidence in support of his objection.

(*iii*) If more than one officer is objected to, the objection to each officer shall be disposed of separately, and the objection to the lowest in rank shall be disposed of first ; and on an objection to an officer, all the other officers present shall vote on the disposal of such objection, notwithstanding that objections have been made to any of those officers.

(*iv*) When an objection to an officer is allowed that officer shall forthwith retire, and take no further part in the proceedings.

(*v*) When an officer objected to retires, and there are any officers in waiting, the vacancy shall be forthwith filled by one of the officers in waiting being directed to serve in lieu of the retiring officer. If there is no officer in waiting available, the court shall proceed as directed by Rule 34.

(*vi*) The eligibility, absence of disqualification, and freedom from objection of an officer filling a vacancy shall be ascertained by the court, as in the case of other officers appointed to serve on the court.

43. *Swearing or affirming of members.*—As soon as the court is constituted with the proper number of officers who are not objected to, or the objections to whom have been overruled, an oath or affirmation shall be administered to every member in one of the following forms or in such other form to the same purport as the court ascertains to be according to his religion or otherwise binding on his conscience.

*Form of oath.*

" I swear by Almighty God that I will duly administer justice, according to the Indian Air Force Act, without partiality, favour or affection ; and if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of war in the like cases ; and that I will not divulge the sentence of this court-martial until it shall be published by authority ; and, further, that I will not disclose or discover the vote or opinion of any particular member of this court-martial, unless required to give evidence thereof by a court of justice or a court-martial, in due course of law."

*Form of affirmation.*

" I            solemnly affirm, in the presence of Almighty God, that I will duly administer justice, according to the Indian Air Force Act, without partiality, favour or affection, and if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of war in the like cases ; and that I will not divulge the sentence of this court-martial until it shall be published by authority ; and, further, that I will not disclose or discover the vote or opinion of any particular member of this court-martial, unless required to give evidence thereof by a court of justice or a court-martial, in due course of law."

44. *Swearing or affirming of judge-advocate and other officers.*—After the members of the court are all sworn or have made affirmation, on oath or affirmation shall be administered to the following persons or such of them as are present at the court-martial, in such of the following forms as shall be appropriate, or in such other form to the same purport as the court ascertains to be according to the religion or otherwise binding on the conscience of the person to be sworn or affirmed :—

*(a) Judge-advocate.*

*Form of oath.*

" I swear by Almighty God that I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of this court-martial unless required to give evidence thereof by a court of justice or a court-martial, in due course of law and that I will not, unless it be necessary for the due discharge of my official duties, divulge the sentence of this court-martial until it shall be published by authority."

*Form of affirmation.*

" I solemnly affirm in the presence of Almighty God that I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of this court-martial unless required to give evidence thereof by a court of justice or a court-martial, in due course of law ; and that I will not, unless it be necessary for the due discharge of my official duties, divulge the sentence of this court-martial until it shall be published by authority."

*(b) Officer attending for the purpose of instruction.*

*Form of oath.*

" I swear by Almighty God that I will not divulge the sentence of this court-martial until it shall be published by authority, and, further that I will not disclose or discover the vote or opinion of any particular member of this court-martial unless required to give evidence thereof by a court of justice or a court-martial, in due course, of law."

*Form of affirmation.*

" I solemnly affirm in the presence of Almighty God that I will not divulge the sentence of this court-martial until it shall be published by authority, and, further, that I will not disclose or discover the vote or opinion of any particular member of this court-martial, unless required to give evidence thereof by a court of justice or a court-martial, in due course of law."

*(c) Shorthand writer.*

*Form of oath.*

" I swear by Almighty God that I will truly take down to the best of my power the evidence to be given before this court-martial and such other matters as I may be required, and will, when required, deliver to the court a true transcript of the same."

*Form of affirmation.*

" I solemnly affirm in the presence of Almighty God that I will truly take down to the best of my power the evidence to be given before this court-martial, and such other matters as I may be required, and will, when required, deliver to the court a true transcript of the same."

*(d) Interpreter.*

*Form of oath.*

" I swear by Almighty God that I will faithfully interpret and translate, as I shall be required to do, touching the matter before this court-martial ; and that I will not divulge the sentennce until it shall be published by authority ; and further, that I will not disclose or discover the vote or opinion of any particular member of this court-martial unless required to give evidence thereof by a court of justice or a court-martial, in due course of law."

*Form of affirmation.*

" I solemnly affirm in the presence of Almighty God that I will faithfully interpret and translate, as I shall be required to do, touching the matter before this court-martial ; and that I will not divulge the sentence until it shall be published by authority ; and further, that I will not disclose or discover the vote or opinion of any particular member of this court-martial, unless required to give evidence thereof by a court of justice or a court-martial, in due course of law."

45. *Persons to administer oaths and affirmations.*—All oaths and affirmations shall be administered by a member of the court, the judge-advocate, or some other person empowered by the court to administer such oath or affirmation.

*Prosecution, Defence and Summing-up.*

46. *Arraignment of accused.*—(a) After the members of the court and other persons are sworn or affirmed as above-mentioned, the accused shall be arraigned on the charges against him.

(b) The charges upon which the accused is arraigned shall be read, and, if necessary translated to him, and he shall be required to plead separately to each charge.

47. *Objection by accused to charge.*—The accused, when required to plead to any charge, may object to the charge on the ground that it does not disclose an offence under the Act or is not in accordance with these rules.

48. *Amendment of charge.*—(*a*) At any time during the trial, if it appears to the court that there is any mistake in the name of description of the accused in the charge-sheet, the court may amend the charge-sheet so as to correct that mistake.

(*b*) If on the trial of any charge it appears to the court at any time before they have begun to examine the witnesses, that in the interests of justice any addition to, omission from, or alteration in, the charge is required, they may report their opinion to the convening authority, and may adjourn, and the convening authority may either direct a new trial to be commenced, or amend the charge, and order the trial to proceed with such amended charge after due notice to the accused.

49. *Special plea to the jurisdiction.*—(*a*) The accused, before pleading to a charge, may offer a special plea to the general jurisdiction of the court; and if he does so, and the court consider that anything stated in such plea shows that the court have not jurisdiction, they shall receive any evidence offered in support, together with any evidence offered by the prosecutor in disproof or qualification thereof, and any address by the accused and reply by the prosecutor in reference thereto.

(*b*) If the court overrule the special plea, they shall proceed with the trial.

(*c*) If the court allow the special plea, they shall record their decision and the reasons for it, and report it to the convening authority and adjourn; such decision shall not require any confirmation, and the convening authority shall either forthwith convene another court for the trial of the accused, or order the accused to be released.

(*d*) If the court are in doubt as to the validity of the plea, they may refer the matter to the convening authority, and may adjourn for that purpose, or may record a special decision with respect to such plea, and proceed with the trial.

50. *General plea "Guilty" or "Not guilty".*—(*a*) If no special plea to the general jurisdiction of the court is offered, or if such plea being offered, is overruled, the accused person's plea—"Guilty" or "Not guilty" (or if he refuses to plead, or does not plead intelligibly either one or the other, a plea of "Not guilty")—shall be recorded on each charge.

(*b*) If an accused person pleads "Guilty," that plea shall be recorded as the finding of the court; but, before it is recorded, the officer conducting the proceedings, on behalf of the court, shall ascertain that the accused understands the nature of the charge to which he has pleaded guilty, and shall inform him of the general effect of that plea, and in particular of the meaning of the charge to which he has pleaded guilty, and of the difference in procedure which will be made by the plea of guilty, and shall advise him to withdraw that plea if it appears from the summary of evidence that the accused ought to plead not guilty.

51. *Plea in bar.*—(*a*) The accused, at the time of his general plea of "Guilty" or "Not guilty" to a charge for an offence, may offer a plea in bar of trial on the ground that—

(1) he has been previously convicted or acquitted of the offence by a competent criminal court or by a court-martial or has been dealt with summarily under section 25 of the Act for the offence; or

(2) the offence has been pardoned or condoned by competent air force authority; or

(3) the time which has elapsed between the commission of the offence and the beginning of the trial is more than three years, and the limit of time for trial is not extended under section 78 of the Act.

(*b*) If he offers such plea in bar, the court shall record it as well as his general plea, and if they consider that any fact or facts stated by him are sufficient to support the plea in bar they shall receive any evidence offered, and hear any address made by the accused and the prosecutor in reference to the plea.

(*c*) If the court find that the plea in bar is proved they shall record their finding, and notify it to the confirming authority, and shall either adjourn, or if there is any other charge against the accused, whether in the same or in a different charge-sheet, which is not affected by the plea in bar, may proceed with the trial of the accused on that charge.

(*d*) If the finding that the plea in bar is proved is not confirmed, the court may be re-assembled by the confirming authority, and proceed as if the plea had been found not proved.

(*e*) If the court find that the plea in bar is not proved, they shall proceed with the trial, and the said finding shall be subject to confirmation like any other finding of the court.

52. *Procedure after plea of "Guilty".*—(*a*) Upon the record of the plea of "Guilty" if there are other charges in the same charge-sheet to which the plea is "Not guilty" the trial shall first proceed with respect to those other charges, and, after the findings on those charges, shall proceed with the charges on which a plea of "Guilty" has been entered; but if they are alternative charges, the court may either proceed with respect to all the charges as if the accused had not pleaded "Guilty" to any charge, or may, instead of trying him, record a finding of "Not guilty" on each alternative charge to which the prisoner has not pleaded "Guilty".

(*b*) After the record of the plea of "Guilty" on a charge (if the trial does not proceed on any other charges) the court shall receive any statement which the accused desires to make in reference to the charge, and shall read the summary of evidence, and annex it to the proceedings, or if there is no such summary, shall take and record sufficient evidence to enable them to determine the sentence, and the confirming officer to know all the circumstances connected with the offence. This evidence will be taken in like manner as is directed by these rules in the case of a plea of "Not guilty."

(*c*) After evidence has been so taken, or the summary of evidence has been read, as the case may be, the accused may make a statement in mitigation of punishment, and may call witnesses as to his character.

(*d*) If from the statement of the accused or from the summary of evidence or otherwise, it appears to the court that the accused did not understand the effect of his plea of "Guilty" the court shall alter the record and enter a plea of "Not guilty," and proceed with the trial accordingly.

(*e*) If a plea of "Guilty" is recorded, and the trial proceeds with respect to other charges in the same charge-sheet, the proceedings under (*b*) and (*c*) shall take place when the findings on the other charges in the same charge-sheet are recorded.

(*f*) When the accused at any court-martial states anything in mitigation of punishment which in the opinion of the court requires to be proved, and would, if proved, affect the amount of punishment, the court may permit the accused to call witnesses to prove the same.

53. *Withdrawal of plea of "Not guilty".*—The accused may, if he thinks fit, at any time during the trial, withdraw his plea of "Not guilty," and plead "Guilty," and in such case the court will at once, subject to a compliance with Rule 50 (*b*), record a plea and finding of "Guilty," and shall, so far as is necessary, proceed in the manner directed by Rule 52.

54. *Plea "Not guilty" and case for the prosecution.*—After the plea of "Not guilty" to any charge is recorded, the trail shall proceed as follows;—

(*a*) The prosecutor may, if he desires, make an opening address.

(*b*) The evidence for the prosecution shall then be taken.

(*c*) If it should be necessary for the prosecutor to give evidence for the prosecution on the facts of the case, he shall give it after the delivery of his address, and he must be sworn and give his evidence in detail.

(*d*) He may be cross-examined by the accused and afterwards may make any statement which might be made by a witness on re-examination.

55. *Close of case for the prosecution and procedure for defence where accused does not call witnesses.*—(1) At the close of the evidence for the prosecution, the accused shall be asked if he intends to call any witnesses to the facts of the case.

(2) If the accused does not state that he intends to call witnesses to the facts of the case the procedure shall be as follows;—

(*a*) The prosecutor may address the court a second time for the purpose of summing up the evidence for the prosecution.

(*b*) The accused shall be asked if he has anything to say in his defence and may address the court in his defence.

(*c*) The accused may call witnesses as to his character.

(*d*) The prosecutor may produce, in reply to the witnesses as to character, proof of former convictions either by a court-martial or by a criminal court, and entries in the service conduct sheets but he may not again address the court.

56. *Defence where accused calls witnesses.*—If the accused states that he intends to call witnesses to the facts of the case, the procedure shall be as follows:—

(*a*) The accused shall be asked if he has anything to say in his defence, and may address the court in his defence.

(b) The accused may call his witnesses, including witnesses as to character.

(c) The prosecutor may, in special cases, with the permission of the court, call witnesses in reply.

(d) After the evidence of all the witnesses for the defence has been taken, the accused may again address the court, and the time at which such second address is allowed is in these rules referred to as the time for the second address of the accused.

(e) The prosecutor shall be entitled to address the court in reply.

57. *Summing-up by judge-advocate.*—(a) The judge-advocate, if any, shall, unless both he and the court think a summing-up unnecessary, sum-up in open court the whole case.

(b) After the judge-advocate has spoken, no other address shall be allowed.

*Finding and Sentence.*

58. *Consideration of finding.*—(a) The court shall deliberate on their finding in closed court.

(b) The opinion of each member of the court shall be taken separately on each charge.

59. *Form and record of finding.*—(a) The finding on every charge shall be recorded, and, except as mentioned in these rules, shall be recorded simply as a finding of "Guilty," or of "Not guilty," or of "Not guilty and honourably acquit him of the same."

(b) Where the court are of opinion as regards any charge that the facts which they find to be proved in evidence differ materially from the facts alleged in the statement of particulars in the charge, but are nevertheless sufficient to prove the offence stated in the charge, and that the difference is not so material as to have prejudiced the accused in his defence, they may, instead of a finding of "Not guity," record a special finding.

(c) The special finding may find the accused guilty on a charge, subject to the statement of exceptions or variations specified therein.

(d) Where the court are of opinion as regards any charge, that the facts proved do not disclose an offence under the Act, the court shall acquit the accused of that charge.

(e) If the court doubt as regards any charge whether the facts proved show the accused to be guilty or not of an offence under the Act, they may, before recording a finding on that charge, refer to the confirming authority for an opinion, and, if necessary, adjourn for that purpose.

(f) Where there are alternative charges, and the facts proved appear to the court not to constitute the offence mentioned in any of those alternative charges, the court shall record a finding of "Not guilty" on that charge; but if the court think that the facts so proved constitute one of the offences stated in two or more of the alternative charges, but doubt which of those offences the facts do at law constitute, then they may, either before recording a finding on those charges refer to the confirming authority for an opinion, and, if necessary, adjourn for the purpose, or they may record a special finding, stating the facts which they find to be proved, and stating that they doubt whether those facts constitute in law the offence in such one or another of the alternative charges as are specified in the finding.

60. *Procedure on acquittal.*—If the finding on all the charges is "Not guilty" the president shall date and sign the finding and such signature shall authenticate the whole of the proceedings, and the proceedings, upon being signed by the judge-advocate, if any, shall be at once transmitted for confirmation.

61. *Procedure on conviction.*—(a) If the finding on any charge is "Guilty," then, for the guidance of the court in determining their sentence, and of the confirming authority in considering the sentence, the court, before deliberating on their sentence, may take evidence of and record the general character, age, service, rank, and any recognised acts of gallantry or distinguished conduct of the accused, any previous convictions of the accused either by a court-martial or a criminal court, any previous punishments awarded to him by an officer exercising authority under section 25 of the Act, the length of time he has been in arrest or in confinement on any previous sentence, and any military or air force decoration, or military or air force reward, of which he may be in possession or to which he is entitled, and which the court can sentence him to forfeit.

(b) Evidence on the above matters may be given by a witness verifying a statement which contain a summary of the entries in the service records respecting the accused and identifying the accused as the person referred to in that summary.

(c) The accused may cross-examine any such witness, and may call witnesses to rebut such evidence ; and if the accused so requests, the service records or a duly certified copy of the material entries therein, shall be produced ; and if the accused alleges that the summary is in any respect not in accordance with the service records or such certified copy, as the case may be, the court shall compare the summary with those records or copy, and if they find it is not in accordance therewith, shall cause the summary to be corrected accordingly.

(d) When all the evidence on the above matters has been given the accused may address the court thereon.

62. *Sentence.*—The court shall award one sentence in respect of all the offences of which the accused is found guilty, and such sentence shall be deemed to be awarded in respect of the offence in each charge in respect of which it can be legally given, and not to be awarded in respect of any offence in a charge in respect of which it cannot be legally given.

63. *Recommendation to mercy.*—(a) If the court make a recommendation to mercy they shall give their reasons for their recommendation.

(b) The number of opinions by which a recommendation to mercy mentioned in this rule, or any question relative thereto, is adopted or rejected, may be entered in the proceedings.

64. *Signing and transmission of Proceedings.*—Upon the court awarding the sentence, the president shall date and sign the sentence and such signature shall authenticate the whole of the proceedings, and the proceedings upon being signed by the judge-advocate, if any, shall be at once transmitted for confirmation.

*Confirmation and Revision.*

65. *Revision.*—(a) Where the finding or sentence is sent back for revision under section 107 of the Act the court sha l re-assemble in closed court, but if the court is directed to take fresh evidence on revision such evidence must be taken in open court and in the presence of the accused.

(b) Where the finding is sent back for revision and the court do not adhere to their former finding they shall revoke the finding and sentence, and record a new finding, and if such new finding involves a sentence, pass sentence afresh.

(c) Where the sentence alone is sent back for revision, the court shall not revise the finding.

(d) After revision, the president shall date and sign the decision of the court, and the proceedings, upon being signed by the judge-advocate, if any, shall be at once transmitted for confirmation.

66. *Promulgation.*—The charge, finding, sentence, and confirmation of a court-martial shall be promulgated in such manner as the confirming authority may direct ; and if no direction is given, according to the custom of the service.

67. *Mitigation of sentence on partial confirmation.*—(a) Where a sentence has been awarded by a court-martial in respect of offences in several charges, and the confirming authority confirms the finding on some but not on all of such charges, that authority shall take into consideration the fact of such non-confirmation, and shall, if it seems just, mitigate, remit, or commute the punishment awarded according as seems just, having regard to the offences in the charges the find ngs on which are confirmed.

(b) Where a sentence has been awarded by a court-martial in respect of offences in several charges and has been confirmed, and any one of such charges or the finding thereon is found to be invalid, the authority having power to mitigate, remit, or commute the punishment awarded by the sentence shall take into consideration the fact of such invalidity, and if it seems just, mitigate, remit, or commute the punishment awarded according as seems just, having regard to the offences in the charges which with the findings thereon are not invalid, and the punishment as so modified shall be as valid as if it had been originally awarded only in respect of those offences.

68. *Confirmation of finding on alternative charge.*—(a) Where a special finding has been recorded in relation to alternative charges under Rule 59 (f), and the confirming authority is of opinion that the facts found by the special finding constitute in law the offence charged by any of the alternative charges, that authority may confirm the finding, and in that case shall declare that the finding amounts to a finding of guilty on that charge ; but if it is afterwards declared by any authority having power to remit or commute the punishment awarded that the said facts constitute in law the offence charged in one of the other alternative charges, then the confirming authority, or such other

authority as aforesaid, may declare that the finding amounts to a finding of guilty on that alternative charge; and the finding shall be a valid finding of guilty on the charge specified in that behalf in the declaration made on confirmation, or, in case of subsequent declaration, in that subsequent declaration.

(b) The sentence awarded in the case of any such special finding may likewise be confirmed, subject to this proviso, that if the offence in one of the alternative charges involves a higher punishment, or is otherwise graver, than the offence in the charge of which the accused is found to be guilty under the terms of any declaration mentioned in (a), the authority making the declaration or some other authority having power to mitigate, remit or commute the punishment awarded, shall mitigate, remit, or commute the punishment according as seems just, having regard to the last-mentioned offence; and the punishment as so modified shall be as valid as if it had been originally awarded in respect of the last-mentioned offence.

69. *Confirmation notwithstanding informality in, or excess of, punishment.*—If the sentence of a court-martial is informally expressed, the confirming authority may, in confirming the sentence, vary the form so that it shall be properly expressed; and if the punishment awarded by the sentence is in excess of the punishment authorized by law, the confirming authority may vary the sentence so that the punishment shall not be in excess of the punishment authorized by law; and the confirming authority may confirm the finding and the sentence, as so varied, of the court-martial.

70. *Member or prosecutor not to confirm proceedings.*—A member of a court-martial, or an officer who has acted as prosecutor at a court-martial, shall not confirm the finding or sentence of that court-martial, and where such member or prosecutor becomes confirming officer, he shall refer the finding and sentence of the court-martial to a superior authority competent to confirm the findings and sentences of the like description of court-martial.

*General Provisions as to Proceedings of General and District Courts-Martial.*

71. *Seating of members.*—The members of a court-martial shall take their seats according to their rank.

72. *Responsibility of President for proper conduct of proceedings.*—(a) The president is responsible that the trial is conducted in proper order, and in accordance with the Act and with these rules, and will take care that everything is conducted in a manner befitting a court of justice.

(b) It is the duty of the president to see that justice is administered, that the accused has a fair trial, and that he does not suffer any disadvantage in consequence of his position as a person under trial, or of his ignorance, or of his incapacity to examine or cross-examine witnesses or otherwise.

73. *Power of court over address of prosecutor and accused.*—(a) It shall be the duty of the prosecutor to assist the court in the administration of justice, to behave impartially, to bring the whole of the transaction before the court, and not to take any unfair advantage of, or suppress any evidence in favour of, the accused.

(b) The court may stop the prosecutor in referring to any matter not relevant to the charge then before the court, or any matter which the court is not investigating and it is the duty of the court to restrain any undue violence of language or want of fairness or moderation on the part of the prosecutor.

(c) The court shall allow great latitude to the accused in making his defence; he must abstain from any remarks contemptuous or disrespectful towards the court, and from coarse and insulting language towards others, but he may for the purposes of his defence impeach the evidence and the motives of the witnesses and prosecutor, and charge other persons with blame and even criminality, subject, if he does so, to any liability to further proceedings to which he would otherwise be subject. The court may caution the accused as to the irrelevance of his defence, but shall not, unless in special cases, stop his defence solely on ground of such irrelevance.

74. *Procedure on trial of accused persons together.*—Where two or more accused persons are tried together and any evidence is tendered by any one or more of them, the evidence and addresses on the part of all the accused persons shall be taken before the prosecutor replies, and the prosecutor shall make one address only in reply as regards all the accused persons.

75. *Separate charge sheets.*—(a) When the convening officer directs any charges against an accused person to be inserted in different charge-sheets, the accused shall be arraigned and until after the finding tried, upon each charge-sheet, separately, and accordingly the procedure in Rules 46 to 59 both inclusive, shall, until after the finding, be followed in respect of each charge-sheet, as if it contained the whole of the charge against the accused.

(*b*) The trials upon the several charge-sheets shall be in such order as the convening officer directs.

(*c*) When the court have tried the accused upon all the charge-sheets they shall, in the case of the finding being "Not guilty" on all the charges, proceed as directed by Rule 60, and in case of the finding on any one or more of the charges being "Guilty" proceed as directed by Rules 52 and 61 to 62, both inclusive, in like manner in each case as if all the charges in the different charge-sheets had been contained in one charge-sheet, and the sentence passed shall be of the same effect as if all the charges had been contained in one charge-sheet.

(*d*) If the convening officer directs that, in the event of the conviction of an accused person upon a charge in any charge-sheet, he need not be tried upon the subsequent charge-sheets, the court in such event may, without trying the accused upon any of the subsequent charge-sheets, proceed as before directed by (*c*).

(*e*) Where a charge-sheet contains more than one charge, the accused may, before pleading, claim to be tried separately in respect of any charge or charges in that charge-sheet, on the ground that he will be embarrassed in his defence if he is not so tried separately; and in such case the court, unless they think his claim unreasonable, shall arraign and try the accused in like manner as if the convening officer had inserted the said charge or charges in different charge-sheets.

(*f*) If the accused pleads "Guilty" to a charge in a charge-sheet, and the trial does not proceed [as mentioned in Rule 52 (*a*)] with respect to the other charges in that charge-sheet, the court shall, subject to the directions of the convening officer, proceed to try the accused on the charges in the next charge-sheet before they proceed as directed by Rule 52 (*b*) and (*c*).

76. ***Sitting in closed court.***—(*a*) When a court-martial sits in closed court on deliberation amongst the members or otherwise, no person shall be present except the members of the court, the judge-advocate, any officers under instruction, and, if an interpreter has been appointed and the court consider his presence necessary, the interpreter; and the court may either retire, or may cause the place where they sit to be cleared of all other persons not entitled to be present.

(*b*) Except as above-mentioned, all the proceedings, including the view of any place, shall be in open court and in the presence of the accused.

77. ***Continuity of trial and adjournment of court.***— (*a*) When a court is once assembled and the accused has been arraigned the court shall continue the trial from day to day and sit for a reasonable period on every day unless it appears to the court that an adjournment is necessary for the ends of justice, or that such continuance is impracticable.

(*b*) A court may adjourn from time to time, and from place to place, and may when necessary, view any place.

(*c*) A court-martial, in the absence of a judge-advocate (if such has been appointed for that court-martial), shall not proceed, and, if necessary, shall adjourn.

(*d*) The senior officer on the spot, may also, for exigencies of the service, adjourn or prolong the adjournment of the court.

(*e*) If the time to which an adjournment is made is not specified, the adjournment shall be until further orders from the proper air force authority; and, if the place to which an adjournment is made is not specified, the adjournment shall be to the same place or to such place as may be specified in further orders from the proper air force authority.

78. *Proceedings on death or illness of the accused.*—In case of the death of the accused, or of such illness of the accused as renders it impossible to continue the trial, the court shall ascertain the fact of the death or illness by evidence, and record the same, and adjourn, and transmit the proceedings to the convening authority.

79. *Death, retirement or absence of President.*—(*a*) In the case of the death, retirement on challenge or unavoidable absence of the president, the next senior officer shall take the place of the president and the trial shall proceed if the court is still composed of not less than the smallest number of officers of which it is required by law to consist.

(*b*) A member of a court who has been absent while any part of the evidence on the trial of an accused person is taken, shall take no further part in the trial by that court of that person, but the court will not be affected unless it is reduced below the legal minimum.

(*c*) An officer shall not be added to a court-martial after the accused has been arraigned.

80. *Taking of opinions of members of court.*—(*a*) Every member of a court must give his opinion on every question which the court has to decide, and must give his opinion as to the sentence, notwithstanding that he has given his opinion in favour of acquittal.

(*b*) The opinions of the members of the court shall be taken in succession, beginning with the junior in rank.

81. *Procedure on incidental question.*—If any question should arise incidently during the trial, the person, whether prosecutor or accused, requesting the opinion of the court, is to speak first : the other person is then to answer, and the first person is to be allowed to reply.

82. *Swearing of court to try several accused persons.*—(*a*) A court may be sworn or affirmed at the time to try any number of accused persons then present before it, whether those persons are to be tried together or separately, and each accused person shall have power to object to the members of the court, and shall be asked separately whether he objects to any member.

(*b*) In the case of several accused persons to be tried separately, the court, upon one of those persons objecting to a member, may, according as they think fit, proceed to determine that objection or postpone the case of that person and swear or affirm the members of the court for the trial of the others alone.

(*c*) In the case of several accused persons to be tried separately, the court, when sworn or affirmed, shall proceed with one case, postponing the other cases, and taking them afterwards in succession.

83. *Swearing of interpreter and shorthand writer.*—(*a*) At any time during the trial an impartial person may, if the court think it necessary, and shall, if either the prosecutor or the accused request it on any reasonable ground, be sworn or affirmed to act as interpreter.

(*b*) An impartial person may at any time of the trial, if the court think it desirable, be sworn or affirmed to act as a shorthand writer.

(*c*) Before a person is sworn or affirmed as interpreter or shorthand writer, the accused shall be informed of the person who is proposed to be sworn, or affirmed and may object to the person as not being impartial ; and the court, if they think that the objection is reasonable, shall not swear or affirm that person as interpreter or shorthand writer.

84. *Evidence, when to be translated.*—When any evidence is given in a language which any of the officers composing the court, the judge-advocate, the prosecutor or the accused does not understand, that evidence shall be interpreted to such officer or person in a language which he does understand. If an interpreter in such language has been appointed by the convening officer, and duly sworn or affirmed, the evidence shall be interpreted by him. If no such interpreter has been appointed and sworn or affirmed, an impartial person shall be sworn or affirmed by the court as required by Rule 83. When documents are put in for the purpose of formal proof, it shall be in the discretion of the court to cause as much to be interpreted as appears necessary.

85. *Record in proceedings of transactions of courts-martial.*—(*a*) At a court-martial the judge-advocate, or, if there is none, the president, shall record, or cause to be recorded in the English language, all transactions of that court, and shall be responsible for the accuracy of the record (in these rules referred to as the proceedings) ; and if the judge-advocate is called as a witness by the accused, the president shall be responsible for the accuracy of the record in the proceedings of the evidence of the judge-advocate.

(*b*) The evidence shall be taken down in a narrative form in as nearly as possible the words used ; but in any case where the prosecutor, the accused person, the judge-advocate, or the court considers it material, the question and answer shall be taken down *verbatim*.

(*c*) Any question which has been objected to, and the tender of any evidence which has been objected to, shall, if the prosecutor or accused so requests, or the court think fit, be entered with the grounds of the objection, and the decision of the court thereon.

(*d*) Where any address by, or on behalf of, the prosecutor or person under accusation, is not in writing, it shall not be necessary to record the same in the proceedings further or otherwise than the court think proper, except that—

(1) the court shall in every case make such record of the defence made by the accused as will enable the confirming officer to judge of the reply made by, or on behalf of, the accused to each charge against him ; and

(2, the court shall also record any particular matters in the address by, or on behalf of, the prosecutor or accused person, which the prosecutor on accused person, as the case may be, requires.

(e) The court shall not enter in the proceedings any comment or anything not before the court, or any report of any fact not forming part of the trial: but if any such comment or report seems to the court necessary, the court may forward it to the proper air force authority in a separate document, signed by the president.

86. *Custody and inspection of proceedings.*—The proceedings shall be deemed to be in the custody of the judge-advocate (if any), or, if there is none, of the president, but may, with proper precautions for their safety, be inspected by the members of the court, the prosecutor and accused, respectively, at all reasonable times before the court is closed to consider the finding.

87. *Transmission of proceedings after finding.*—The proceedings shall be at once sent by the person having the custody thereof to such person as may be directed by the order convening the court, or, in default of any such direction, to the confirming officer.

*Defending Officer, Counsel and Friend of Accused.*

88. *Defending Officer and friend of accused.*—(a) If an accused person is not represented at his trial by counsel, he may be represented by any officer subject to military or air force law who shall be called "the defending officer," or assisted by any person whose services he may be able to procure and who shall be called "the friend of the accused."

(b) It shall be the duty of the convening officer to ascertain whether an accused person not otherwise represented desires to have a defending officer assigned to represent him at his trial and, if he does so desire, the convening officer shall use his best endeavours to ensure that the accused shall be so represented by a suitable officer. If, owing to military or air force exigencies, or for any other reason, there shall in the opinion of the convening officer be no such officer available for the purpose, the convening officer shall give a written notice to the president of the court-martial, and such notice shall be attached to the proceedings.

(c) The defending officer shall have the same rights and duties as appertain to counsel under these rules and shall be under the like obligations.

(d) The friend of the accused may advise the accused on all points and suggest the questions to be put to the witnesses, but he shall not examine or cross-examine the witnesses or address the court.

89. *Counsel allowed in certain general and district courts-martial.*—(a) Subject to these rules, counsel shall be allowed to appear on behalf of the prosecutor and accused at general and district courts-martial if the Air Officer Commanding in India, or the convening officer declares that it is expedient to allow the appearance of counsel thereat, and such declaration may be made as regards all general and district courts-martial held in any particular place, or as regards any particular general or district court-martial, and may be made subject to such reservation as to cases on active service, or otherwise, as seems expedient.

(b) Save as provided in rule 88, the rules with respect to counsel shall apply only to the courts-martial at which counsel are, under this rule, allowed to appear.

90. *Requirements for appearance of counsel.*—(a) Where an accused person gives notice of his intention to have counsel to assist him during the trial, either on the day on which he is informed of the charge or at any time not being less than seven days before the trial, or such shorter time before the trial as in the opinion of the court would have enabled the prosecutor to obtain, if he had thought fit, counsel to assist him during the trial, and would have enabled the authority appointing a judge-advocate to appoint counsel to act as judge-advocate at the trial, or where such notice as mentioned in (b) is given to the accused on the part of the prosecution, counsel may appear at the court-martial to assist the accused.

(b) If the convening officer so directs, counsel may appear on behalf of the prosecutor, but in that case, unless the notice in (a) has been given by the accused, notice of the direction for counsel to appear shall be given to the accused at such time (not in any case less than seven days) before the trial, as would, in the opinion of the court, have enabled the accused to obtain counsel to assist him at the trial.

(c) The counsel, who appears before a court-martial on behalf of the prosecutor or accused, shall have the same right as the prosecutor or accused for whom he appears, to call, and orally examine, cross-examine, and re examine witnesses, to make an objection or statement, to address the court, to put in any plea, and to inspect the proceedings, and shall have the right otherwise to act in the course of the trial in the place of the person on whose behalf he appears, and he shall comply with these rules as if he were that person; and in such case that person shall not have the right himself to do any of the above matters except as regards the statement allowed by Rule 95 or except so far as the court permit him so to do.

(*d*) When counsel appears on behalf of the prosecutor, the prosecutor, if called as a witness, may be examined and re-examined as any other witness, and Rule 54 (*a*) and (*d*) shall not apply.

91. *Counsel for prosecution.*—The counsel appearing on behalf of the prosecutor shall have the same duty as the prosecutor, and is subject to be stopped and restrained by the court in the manner provided by Rule 73 (*b*).

92. *Counsel for accused.*—The counsel appearing on behalf of the accused has the like rights, and is under the like obligations as are specified in Rule 73 (*c*) in the case of the accused.

93. *General rules as to counsel.*—Counsel, whether for the prosecution or for the accused, shall conform strictly to these rules and to the rules of criminal courts in India relating to the examination, cross-examination, and re-examination of witnesses; and relating to the duties of counsel.

94. *Qualifications of counsel.*—(*a*) Neither the prosecutor nor the accused has any right to object to any counsel if properly qualified.

(*b*) Counsel shall be deemed properly qualified if he is a legal practitioner authorized to practise with right of audience in a Court of Sessions in British India, or if, in any part of His Majesty's dominions other than British India, he is recognized by the convening officer as having in that part rights and duties similar to those of such a legal practitioner in British India and as being subject to punishment or disability for a breach of professional rules.

95. *Statement by accused defended by counsel or officer.*—(*a*) An accused person assisted by counsel or by an officer subject to military or air force law, may, if he thinks fit, at the close of the case for the prosecution and before the address by such counsel, or officer, make a statement giving his own account of the subject of the charges against him.

The statement may be made either orally or in writing, but the accused making the statement shall not be sworn, and no question can be put to him by the court or by any other person.

(*b*) If the accused make such a statement the procedure shall, so far as possible, be the same as if the accused had called witnesses to the facts of the case, as provided in Rule 56.

*Judge-Advocate.*

96. *Disqualification of judge-advocate.*—An officer who is disqualified for sitting on a court-martial and any other person who would have been so disqualified had he been an officer, shall be disqualified for acting as judge-advocate at that court-martial.

97. *Substitute on death, illness or absence of judge-advocate.*—If the judge-advocate dies, or from illness or from any cause whatever is unable to attend, the court shall adjourn, and the president shall report the circumstance to the convening authority; and a fit person not disqualified to be judge-advocate may be appointed by that authority, who shall be sworn, or affirmed, and act as judge-advocate for the residue of the trial, or until the judge-advocate returns.

98. *Powers and duties of judge-advocate.*—The powers and duties of a judge-advocate are as follows:—

(*a*) The prosecutor and the accused, respectively, are at all times, after the judge-advocate is named to act on the court, entitled to his opinion on any question of law relative to the charge or trial, whether he is in or out of court, subject, when he is in court, to the permission of the court.

(*b*) At a court-martial he represents the judge advocate-general.

(*c*) He is responsible for informing the court of any informality or irregularity in the proceedings. Whether consulted or not, he shall inform the convening officer and the court of any informality or defect in the charge, or in the constitution of the court, and shall give his advice on any matter before the court.

(*d*) Any information or advice given to the court on any matter before the court shall, if he or the court desire it, be entered in the proceedings.

(*e*) At the conclusion of the case he shall, unless both he and the court consider it unnecessary, sum up the evidence and give his opinion upon the legal bearing of the case before the court proceed to deliberate upon their finding.

(*f*) The court, in following the opinion of the judge-advocate on a legal point, may record that they have decided in consequence of that opinion.

(*g*) The judge-advocate has, equally with the officer conducting the proceedings, the duty of taking care that the accused does not suffer any disadvantage in consequence of his position as such, or of his ignorance or incapacity to examine or cross-examine witnesses or otherwise, and may, for that purpose, with the permission of the court, call witnesses and put questions

to witnesses, which appear to him necessary or desirable to elicit the truth.

(*h*) In fulfilling his duties the judge-advocate must be careful to maintain an entirely impartial position.

*Witnesses and evidence.*

99. *Calling of all prosecutor's witnesses.*—The prosecutor is not bound to call all the witnesses whose evidence is in the summary of evidence or whom the accused has been informed it is intended to call, but should ordinarily call such of them as the accused desires, in order that he may cross-examine them, and shall, for this reason, so far as practicable, secure the attendance of all such witnesses.

100. *Calling of witnesses whose evidence is not contained in summary.*—If the prosecutor intends to call a witness whose evidence is not contained in any summary given to the accused, notice of the intention shall be given to the accused a reasonable time before the witness is called ; and if such witness is called without such notice having been given, the court shall, if the accused so desire it, either adjourn after taking the evidence of the witness, or allow the cross-examination of such witness to be postponed, and the court shall inform the accused of his right to demand such adjournment or postponement.

101. *List of witnesses of accused.*—The accused shall not be required to give to the prosecutor or court a list of the witnesses whom he intends to call, but it shall rest with the accused alone to secure the attendance of any witness whose evidence is not contained in the summary, and for whose attendance the accused has not requested steps to be taken as provided by Rule 30 (*a*).

102. *Procuring attendance of witnesses.*—In the case of trials by general or district court-martial the convening officer, or, after the assembly of the court, the president, shall take proper steps to procure the attendance of the witnesses whom the prosecutor or accused desires to call, and whose attendance can reasonably be procured, but, the person requiring the attendance of a witness may be required to undertake to defray the cost (if any) of his attendance.

103. *Procedure when essential witness is absent.*—If such proper steps as mentioned in the preceding rule have not been taken as to any witness, or if any witness whose attendance could not be reasonably procured before the assembly of the court is essential to the prosecution or defence, the court shall—

(*a*) take steps to procure the issue of a commission for the examination of such witness ; or

(*b*) if it is a general or district court-martial, adjourn and report the circumstance to the convening officer.

104. *Withdrawal of witnesses from court.*—During the trial a witness, other than the prosecutor, shall not, except by special leave of the court, be permitted to be present in court while not under examination and if, while he is under examination, a discussion arises as to the allowance of a question, or the sufficiency of his answers, or otherwise as to his evidence, he may be directed to withdraw.

105. *Oath or affirmation to be administered to witnesses.*—An oath or affirmation shall be administered to every witness, before he gives his evidence by a member of the court, the judge-advocate, or some other person empowered by the court in one of the following forms or in such other form to the same purport as the court ascertains to be according to the religion or otherwise binding on the conscience of the witnesses.

*Form of oath.*

" I swear by Almighty God that what I shall state shall be the truth, the whole truth, and nothing but the truth. "

*Form of affirmation.*

" I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth. "

106. *Mode of questioning witness.*—(*a*) Every question may be put to a witness orally by the officer holding the trial, the prosecutor, accused, or judge-advocate, and the witness will forthwith reply, unless an objection is made by the court, judge-advocate, prosecutor, or accused, in which case he shall not reply until the objection is disposed of. The witness shall address his reply to the court.

(b) The evidence of a witness as taken down shall be read to him after he has given all his evidence and before he leaves the court, and shall, if necessary, be corrected.

(c) If the witness denies the correctness of any part of the evidence when the same is read over to him, the court may instead of correcting the evidence, record the objection made to it by the witness.

(d) If the evidence is not given in English and the witness does not understand that language the evidence as recorded shall be interpreted to him in the language in which it was given, or in a language which he understands.

107. *Questions to witnesses by court or judge-advocate.*—(a) At any time before the time for the second address of the accused the officer holding the trial, the judge-advocate and any member of the court may, subject to the provisions of this rule, address any question to a witness.

(b) Such questions shall only be addressed to witnesses with the permission of the court and through the officer conducting the proceedings.

(c) Upon any such question being answered, the officer conducting the proceedings shall also put to the witness any question relative to that answer which he may be requested to put by the prosecutor or the accused, and which the court deems reasonable.

108. *Re-calling of witnesses and calling of witnesses in reply.*—(a) At the request of the prosecutor or accused person a witness may, by leave of the court, be re-called at any time before the time for the second address of the accused, for the purpose of having any question put to him through the officer conducting the proceedings.

(b) A witness may, in special cases, be allowed by the court to be called or re-called by the prosecutor, before the time for the second address of the accused, for the purpose of rebutting any material statement made by a witness for the defence upon his examination by the accused on any new matter which the prosecutor could not reasonably have foreseen.

(c) Where the accused has called witnesses to character, the prosecutor, before the time for the second address of the accused may call or re-call witnesses for the purpose of proving a previous conviction or entries in the service records against the accused.

(d) The court may call or re-call any witness at any time before the finding, if it considers that it is necessary for the ends of justice.

*Addresses.*

109. *Addresses may be in writing.*—All addresses by the prosector and the accused the summing-up of the judge-advocate may either be given orally or be in writing, and, if in writing, shall be read in open court.

*Insanity.*

110. *Provisions as to finding of insanity.*—Where the court finds either that the accused is of unsound mind and consequently incapable of making his defence or that he committed the act alleged, but was by reason of unsoundness of mind incapable of knowing the nature of the act or that it was wrong or contrary to law, the president shall date and sign the finding; and the proceedings, upon being signed by the judge-advocate if any, shall be at once transmitted to the confirming officer or the prescribed officer, as the case may be, to whom the case is reported under sub-section (1) of section 109 of the Act.

*Preservation of Proceedings.*

111. *Preservation of proceedigs.*—The proceedings of a court-martial shall, after promulgation, be forwarded, as circumstances require, to the office of the Judge-Advocate-General in India, and there preserved for not less, in the case of a general court-martial, than seven years, and in the case of any other court-martial, than three years.

112. *Right of person tried to copies of proceedings.*—Every person tried by a court-martial shall be entitled on demand, at any time after the confirmation of the finding and sentence, when such confirmation is required, and before the proceedings are destroyed, to obtain from the officer or person having the custody of the proceedings, a copy thereof, including the proceedings upon revision, if any, upon payment for the same of seven annas for the first two hundred words, and half that rate for each subsequent two hundred words, or part thereof.

113. *Loss of proceedings.*—(a) If the original proceedings of a court-martial, or any part thereof, are lost, a copy thereof, if any, certified by the president, or the judge-advocate, may be accepted in lieu of the original.

(b) If there is no such copy, and sufficient evidence of the charge, finding, sentence, and transactions of the court can be procured, that evidence may, with the assent of the accused, be accepted in lieu of the original proceedings, or part thereof lost.

(c) In any case above in this rule mentioned, the finding and sentence, if requiring confirmation, may be confirmed, and shall be as valid as if the original proceedings, or part thereof, had not been lost.

(d) If the proceedings, or part thereof, were lost before confirmation, and there is no such copy or evidence, or the accused refuses such assent, as above-mentioned, the accused may be tried again, and on the issue of an order convening the court for the trial, the finding and sentence of the previous court, of which the proceedings were so lost, shall be null.

*Irregular Procedure when no injustice is done.*

114. *Validity of irregular procedure in certain cases.*—Whenever it appears that a court-martial had jurisdiction to try any person and that that person was charged with some offence or offences under the Act, and was shown by legal evidence to have been guilty of the offence or one of the offences charged, the finding in respect of the offence or offences of which he is so shown to be guilty, and the sentence may (if confirmation is necessary) be confirmed, and shall, if so confirmed, and in all cases where confirmation is not necessary, be valid, notwithstanding any deviation from these rules, or any defect or objection, technical or other, unless it appears that any injustice has been done to the offender, and where any finding and sentence are otherwise valid they shall not be invalid by reason only of a failure to administer an oath or affirmation to the interpreter or shorthand writer; but nothing in this rule shall relieve an officer from any responsibility for any wilful or negligent disregard of any of these rules.

*Offences of Witnesses and others.*

115. *Offences of witnesses and others.*—When any court-martial is of opinion that there is ground for inquiring into any offence specified in section 53 of the Act and committed before it or brought under its notice in the course of its proceedings, or into any act done before it or brought under its notice in the course of its proceedings which would, if done by a person subject to the Act, have constituted such an offence, such court-martial may proceed as follows, that is to say—

(a) If the person who appears to have committed the offence is subject to the Act, the court may bring his conduct to the notice of the proper air force authority, and may also order him to be placed in air force custody with a view to his punishment by an officer exercising authority under section 25 of the Act or to his trial by court-martial.

(b) If the person who appears to have done the act is subject to the Army Act, Indian Army Act, or Air Force Act, the court may bring his conduct to the notice of the proper military or air force authority.

(c) If the person who appears to have done the act is subject neither to the Act, the Army Act, the Indian Army Act, or the Air Force Act, then in the case of acts which would if done by a person subject to the Act, have constituted an offence under clause (a) of section 53 of the Act, the officer who summoned the witness to appar or the officer conducting the proceedings of the court-martial, as the case may be, may forward a written complaint to the nearest Magistrate of the first class having jurisdiction, and in the case of acts which would, if done as aforesaid, have constituted an offence under clause (b) or clause (c) of the said section, the court, after making any preliminary enquiry that may be necessary, may send the case to the nearest Magistrate of the first class having jurisdiction for enquiry or trial in accordance with section 476 of the Code of Criminal Procedure, 1898.

SECTION 3.—*Field General Courts-Martial.*

The foregoing rules in this Chapter shall not, save as provided in rule 129, apply to field general court martial, which shall be subject to the following rules :—

116. *Convening the court and record of proceedings.*—The court may be convened and the proceedings of the court recorded in accordance with the form in the Third Appendix to these Rules, with such variations as the circumstances of each case may require.

117. *Charge.*—The statement of an offence may be made briefly in any language sufficient to describe or disclose an offence under the Act.

118. *Trial of several accused persons*.—The court may be sworn at the same time to try any number of accused persons then present before it, but, except so far as accused persons are tried together for an offence committed collectively, the trial of each accused person will be separate.

119. *Challenges*.—(a) The names of the president and members of the court shall be read over to the accused who shall thereupon be asked if he objects to be tried by any of these officers.

(b) Any objection will be decided as provided for in section 85 of the Act—the vacancies being filled from among the waiting members (if any) or by fresh members being appointed by the convening officer.

120. *Swearing or affirming the court*.—(a) As soon as the court is constituted with the proper number of officers who are not objected to, or the objections to whom have been overruled, an oath or affirmation shall be administered to every member in such of the forms laid down in Rule 43 as shall be appropriate, or in such other form to the same purport as the court ascertain to be according to his religion or otherwise binding on his conscience.

(b) If an interpreter has been appointed, the appropriate oath or affirmation, as laid down in Rule 44, shall be administered to him.

(c) All oaths and affirmations shall be administered by a member of the court or by some person empowered by the court to do so.

121. *Arraignment*.—When the court are sworn or affirmed, the president shall state to the accused then to be tried, the offence with which he is charged, with, if necessary, an explanation giving him full information of the act or omission with which he is charged, and shall ask the accused whether he is guilty or not of the offence.

122. *Plea to jurisdiction*.—If a special plea to the general jurisdiction is offered by the accused, and is considered by the court to be proved, the court shall report the same to the convening officer.

123. *Evidence*.—(a) The witnesses for the prosecution will be called and the accused shall be allowed to cross-examine them and to call any available witnesses for his defence.

(b) An oath or affirmation as laid down in Rule 105 shall be administered to every witness, before he gives his evidence, by one of the persons specified in that rule.

124. *Defence*.—The accused shall be asked what he has to say in his defence, and shall be allowed to make his defence. He may be allowed to have any person to assist him during the trial, whether a legal adviser or any other person.

125. *Record of the evidence and defence*.—The president of the court shall take down or cause to be taken down a brief record of the evidence of the witnesses at the trial and of the defence of the accused; the record so taken down shall be attached to the proceedings:

Provided that, if it appears to the convening officer that exigencies of the service or other circumstances prevent compliance with this provision, he may direct that the trial may be carried on without any such brief record being taken down.

If the accused pleads "Guilty" the summary of evidence, if any, may be read and attached to the proceedings, and it shall not be necessary for the court to hear witnesses for the prosecution respecting matters contained in the summary of evidence so read.

126. *Finding and sentence*.—The court shall then be closed to consider its finding. If the finding on any charge is "Guilty" the court may receive any evidence as to previous convictions and character which is available. The court shall then deliberate in closed court as to its sentence.

127. *Proceedings after sentence or finding*.—(a) If the proceedings do not require confirmation, the result shall be announced in open court and the sentence carried into effect as soon as possible.

(b) If the proceedings require confirmation they shall be transmitted without delay to the confirming officer and the sentence (if any) carried out as soon as possible after his confirmation has been received.

128. *Adjournment*.—(a) A field general court-martial may adjourn from time to time and from place to place and may when necessary view any place.

(b) The proceedings shall be held in open court, in the presence of the accused, except on any deliberation among the members, when the court may be closed.

129. *Application of rules.*—Rules 67 (Mitigation of sentence on partial confirmation), 69 (Confirmation notwithstanding informality in or excess of punishment), 87 (Transmission of proceedings after finding), 110 (Provisions as to finding of insanity), 111 (Preservation of proceedings), and 112 (Right of person tried to copies of proceedings), 113 (Loss of proceedings), and 114 (Validity of irregular procedure in certain cases)—shall, so far as practicable apply to field general courts-martial as if field general courts-martial were district courts-martial.

130. *Evidence of opinion of convening officer.*—Any statement in an order convening a field general court-martial as to the opinion of the convening officer shall be conclusive evidence of that opinion, but this rule shall not prejudice the proof at any time of any such opinion when not so stated.

SECTION 4.—*Execution of Sentences*

131. *Committal warrants.*—A warrant for the committal of a person to a civil prison, or to a military or air force prison or detention barrack, under the provisions of sections 113 to 115 of the Act shall be in one of the forms given in the Fourth Appendix to these Rules. Such warrant shall be signed by the commanding officer of the prisoner or by the commander of any higher air force formation within which the person sentenced may be.

132. *Warrants under section 116 of the Act.*—Any warrant issued under the provisions of section 116 of the Act shall be in one of the forms given in the Fourth Appendix to these Rules, and shall be signed by the officer making the order in pursuance of which such warrant is issued, or by his staff officer.

133. *Sentence of dismissal or suspension.*—(*a*) A sentence of dismissal awarded by a court-martial shall take effect from the date on which the sentence is promulgated to the person under sentence, or from such subsequent date as may be specified by the commanding officer at the time of such promulgation :

Provided that, when dismissal is combined with imprisonment or detention which is carried out in military or air force custody or with field punishment, the dismissal shall not take effect until the date on which the prisoner is duly released from military or air force custody, or until the completion of the field punishment, unless such field punishment is remitted by competent authority :

Provided also that, when dismissal is combined with imprisonment which is carried out in a civil prison, the dismissal shall not take effect until the date on which the prisoner is received into a civil prison.

(*b*) A sentence of suspension awarded by a court-martial shall, if no confirmation is necessary, take effect from the date on which it is signed by the president ; if confirmation is necessary, such sentence shall take effect from the date on which, having been duly comfirmed, it is communicated to the offender.

SECTION 5.—*Field Punishment.*

134. *Field punishment.*—(*1*) A court-martial or an officer exercising authority under section 25 of the Act may, for the purpose of awarding field punishment under the Act, sentence an offender for a period not exceeding, in the case of a court-martial, three months, and in the case of such an officer, twenty-eight days, to one of the following punishments, namely :—

(*a*) Field Punishment No. 1.

(*b*) Field Punishment No. 2.

(*2*) Where an offender is sentenced to field punishment No. 1, he may, during the continuance of his sentence, unless the court-martial or the officer, as the case may be, otherwise directs, be punished as follows :—

(*a*) He may be kept in irons, that is to say, in fetters or handcuffs or both fetters and handcuffs, and may be secured so as to prevent his escape.

(*b*) When in irons, he may be attached for a period or periods not exceeding two hours in any one day to a fixed object, but he must not be so attached during more than three out of any four consecutive days, nor during more than twenty-one days in all.

*Explanation* (1).—The offender must be attached so as to be standing firmly on his feet which, if tied, must not be more than twelve inches apart, and it must be possible for him to move each foot at least three inches. If he is tied round the body there must be no restriction of his breathing. If his arms or wrists are tied, there must be six inches of play between them and the fixed object. His arms must hang either by the side of his body or behind his back.

*Explanation* (2).—For the purpose of this punishment, irons should be used when available, but straps or ropes may be used in lieu of them when necessary. Any straps or ropes used for the purpose must be of sufficient width to inflict no bodily harm, and leave no permanent mark on the offender.

(*c*) He may be subjected to the like labour, employment and restraint, and dealt with in like manner as if he were undergoing a sentence of rigorous imprisonment.

(3) Where an offender is sentenced to field punishment No. 2, the provisions of sub-rule (2) with respect to field punishment No. 1 shall apply in his case except that he shall not be liable to be attached to a fixed object as provided in clause (b) of that sub-rule.

(4) Every portion of a field punishment shall be inflicted in such a manner as is calculated not to cause injury or leave any permanent mark on the offender; and a portion of a field punishment must be discontinued upon a report by a responsible medical officer that the continuance of that portion would be prejudicial to the offender's health.

(5) Field punishment shall be carried out within the unit to which the offender belongs or is attached so long as that unit is actually on the move, but when the unit is halted at any place where there is a provost-marshal the punishment shall be carried out under the orders of that officer.

(6) When the unit to which the offender belongs or is attached is actually on the move, an offender awarded field punishment No. 1 shall be exempt from the operation of clause (b) of sub rule (2), but all offenders awarded field punishment shall march with their unit, carry their arms and equipment, perform all their air force duties as well as extra fatigue duties, and be treated as defaulters.

SECTION 6.—*Detention.*

135. *Nature of punishment of detention.*—A sentence of detention awarded by a court-martial or by an officer exercising authority under section 25 of the Act, may be carried out—

(i) In a military or air force detention barrack.

(ii) In a barrack detention room under the control of a military or air force unit.

(iii) On active service, when the unit is halted at any place where there is a provost-marshal, under the orders of such officer.

## CHAPTER V.

### COURTS OF INQUIRY.

### RULES FOR COURTS OF INQUIRY OTHER THAN COURTS OF INQUIRY HELD UNDER SECTION 62 OF THE ACT.

136. *Courts of Inquiry.*—(a) A court of inquiry is an assembly of officers or of officers and warrant or non-commissioned officers directed to collect evidence, and, if so required, to report with regard to any matter which may be referred to them.

(b) A court of inquiry may be assembled by the officer in command of any unit or portion of the Indian Air Force.

(c) The court may consist of any number of officers of any rank, or of one or more officers together with one or more warrant or non-commissioned officers. The members of the court may belong to any branch or department of the service, according to the nature of the investigation.

(d) The court shall be guided by the written instructions of the authority who assembled the court. The instructions shall be full and specific, and shall state the general character of the information required. They shall also state whether a report is required or not.

(e) Previous notice should be given of the time and place of the meeting of a court of inquiry, and of all adjournments of the court, to all persons concerned in the inquiry except a prisoner of war who is still absent.

(f) Save in the case of a prisoner of war who is still absent, whenever any inquiry affects the character or service reputation of a person subject to military or air force law, full opportunity must be afforded to such person of being present throughout the inquiry and of making any statement, and of giving any evidence he may wish to make or give, and of cross-examining any witness whose evidence, in his opinion, affects his character or service reputation, and producing any witnesses in defence of his character or service reputation.

(g) It is the duty of a court of inquiry to put such questions to a witness as they think desirable for testing the truth or accuracy of any evidence he has given, and otherwise for eliciting the truth.

(h) When a court of inquiry is held on prisoners of war, and in any other case in which the officer who assembled the court has so directed the evidence shall be taken on oath or affirmation, in which case the court shall administer the same oath or affirmation to witnesses as if the court were a court-martial.

The officer who assembled the court shall, when the court is held on a returned prisoner of war or on a prisoner of war who is still absent, direct the court to record their opinion whether the person concerned was taken prisoner through his own wilful neglect of duty, or whether he served with or under, or aided the enemy: he shall also direct the court to record their opinion in the case of a returned prisoner of war, whether he returned, as soon as possible, to the service, and, in the case of a prisoner of war still absent whether he failed to return to the service when it was possible for him to do so. The officer who assembled the court shall also record his own opinion on these points In other cases the court shall give no opinion on the conduct of any person unless so directed by the officer who assembled the court.

(i) The members of the court shall not themselves be sworn or affirmed, but when the court is a court of inquiry on recovered prisoners of war the members shall make the following declaration :—

*I, A.B., do declare upon my honour that I will duly and impartially inquire into and give my opinion as to the circumstances in which........... became a prisoner of war, according to the true spirit and meaning of the Regulations of the Indian Air Force ; and I do further declare, upon my honour, that I will not on any account or at any time, disclose or discover my own vote or opinion, or that of any particular member of the court, unless required to do so by competent authority.*

(j) The court may be re-assembled as often as the officer who assembled the court may direct, for the purpose of examining additional witnesses, or further examining any witness, or recording further information.

(k) The whole of the proceedings of a court of inquiry shall be forwarded by the president to the officer who assembled the court.

(l) The proceedings of a court of inquiry, or any confession, statement, or answer to a question made or given at a court of inquiry, shall not be admissible in evidence against a person subject to Air Force law, nor shall any evidence respecting the proceedings of the court be given against any such person except upon the trial of such person for wilfully giving false evidence before that court.

(m) Any person subject to the Act who is tried by court-martial in respect of any matter or thing which has been reported on by a court of inquiry, and, unless the Air Officer Commanding in India sees reason to order otherwise, any person so subject whose character or service reputation is, in the opinion of the said Air Officer Commanding affected by anything in the evidence before, or in the report of a court of inquiry, shall be entitled to a copy of the proceedings of the court, including any report made by the court, on payment at the rate laid down in Rule 112 for copies of the proceedings of courts-martial.

## RULES FOR COURTS OF INQUIRY UNDER SECTION 62 OF THE ACT FOR THE PURPOSE OF DETERMINING THE ILLEGAL ABSENCE OF PERSONS SUBJECT TO THE ACT.

137. *Courts of Inquiry as to illegal absence under section 62 of the Act.*—(a) A court of inquiry under section 62 of the Act shall, when assembled, require the attendance of such witnesses as they think sufficient to prove the absence and other facts specified as matters of inquiry in that section.

(b) They shall take down the evidence given them in writing and at the end of the proceedings shall make a declaration of the conclusions at which they have arrived in respect of the facts they are assembled to inquire into.

(c) The commanding officer of the unit to which the absent person belongs shall enter in the court-martial book of the unit a record of the declaration of the court, and the original proceedings will be destroyed.

(d) The court of inquiry shall examine all witnesses who may be desirous of coming forward on behalf of the absentee, and shall put such questions to them as may be desirable for testing the truth or accuracy of any evidence they have given, and otherwise for eliciting the truth, and the court in making their declaration shall give due weight to the evidence of all such witnesses.

(e) A court of inquiry shall administer the same oath or affirmation to the witnesses as if the court were a court-martial, but the members of such court shall not themselves be sworn or affirmed.

## CHAPTER VI.

### PRESCRIBED OFFICERS, AUTHORITIES AND OTHER MATTERS.

138. *Prescribed officers under section 5 of the Act.*—The officer commanding any naval, military or air force unit whether within or without India, shall be the prescribed officer for the purposes of section 5 of the Act, in respect of any person subject to the Act who is attached to that unit under the orders of, or with the concurrence of, the Air Officer Commanding in India.

139. *Prescribed officer under section 18 of the Act.*—The prescribed officer for the purposes of sub-section (1) of section 18 of the Act shall, on active service, be the officer commanding the air forces in the field.

140. *Prescribed officer under section 24 of the Act.*—The prescribed officer for the purpose of section 24 of the Act shall be the officer commanding the air forces in the field.

141. *Prescribed authorities under section 28 of the Act.*—Any penal deduction from the pay and allowances of a person subject to the Act, made under Chapter III thereof, may be remitted as hereinafter provided :—

(a) Any penal deduction from the pay and allowances of any such person may be remitted by the Governor General in Council.

(b) The commanding officer of any such person who has been absent without leave for a period not exceeding five days may, unless the person is convicted by a court-martial on a charge for such absence, remit the forfeiture of pay and allowances to which that absence renders him liable.

(c) A forfeiture of pay and allowances incurred by any such person owing to his absence as a prisoner of war may (unless it shall have been proved before a court of inquiry that he was taken prisoner through his own wilful neglect of duty, or that he served with or under, or aided, the enemy, or that he did not, as soon as possible, return to the service) be remitted by the Air Officer Commanding in India, or by the officer commanding the air forces in the field.

142. *Prescribed authorities under section 29 of the Act.*—The prescribed authorities for the purposes of section 29 of the Act shall be the Air Officer Commanding in India or the officer commanding the air forces in the field under whom the person was serving at the time he became a prisoner of war.

143. *Prescribed authority under sections 80 and 81 of the Act.*—The prescribed air force authority for the purpose of section 80 and sub section (1) of section 81 of the Act shall be the officer commanding the station to which the accused person belongs or is attached, provided that, in cases where death has resulted, the prescribed authority shall be the Air Officer Commanding in India and no lower authority.

144. *Prescribed officer under section 96 (1) of the Act.*—The prescribed officer for the purposes of sub-section (*1*) of section 96 of the Act shall be the officer commanding the corps or unit to which the person appears to have belonged, or alleges that he belongs or had belonged.

145. *Prescribed officer under section 109 of the Act.*—(1) The prescribed officer for the purposes of sub-section (*1*) of section 109 of the Act shall be the convening authority or any authority superior to the convening authority.

(2) The prescribed officer for the purposes of sub-section (*5*) of section 109 of the Act shall be the Air Officer Commanding in India, or in the case of an accused who is in custody of the corps or unit to which he belongs, the commanding officer of that corps or unit.

Provided that, where an officer who proposes to act as a prescribed officer under sub-section (*5*) of section 109 of the Act is under the command of the officer who has taken action in the case under sub-section (*3*) of that section, he shall ordinarily obtain the approval of such officer before he acts ; but, if he is of opinion that the exigencies of the service, or the necessities of discipline, render it impossible or inexpedient to obtain such approval, he may act without obtaining such approval, but shall report his action and the reasons therefor to such officer.

(3) For the purposes of sub-section (*3*) of section 109 of the Act the manner in which an accused person shall be kept in custody shall be as follows :—

The accused shall be confined in such manner as may, in the opinion of the proper air force authority, be best calculated to keep him securely without unnecessary harshness.

146. *Prescribed officers under section 110 of the Act.*—The prescribed officer for the purposes of section 110 of the Act shall be :—

(a) As regards persons undergoing sentence in a civil prison or any other place, the Air Officer Commanding in India.

(b) As regards persons convicted on active service, the officer commanding the air forces in the field.

147. *Prescribed officers under section 120 (2) of the Act.*—The prescribed officer for the purposes of sub-section (*2*) of section 120 of the Act shall be the Air Officer Commanding in India.

148. *Prescribed persons under sections 126 and 137 of the Act.*—(a) The prescribed person for the purposes of sub-section (*6*) of section 126 of the Act shall be the Accountant General, Central Revenues.

(b) The prescribed person for the purposes of section 127 of the Act shall be the person referred to in sub-rule (a), and, so long as the commanding officer has under the Act control of the property of the deceased person or lunatic, or of the proceeds of the sale of such property, shall also include such commanding officer.

149. *"Unit" prescribed under section 6 (9) of the Act.*—Each of the following separate bodies of persons subject to the Act shall be a "unit" for the purposes of the said Act and of these Rules :—

(i) Any body of officers and airmen for which a separate authorised establishment exists.

(ii) The Indian personnel serving with each unit of the Royal Air Force,

(iii) Any other separate body of persons subject to the Act employed on any service and not attached to any of the above units.

## FIRST APPENDIX.

### INDIAN AIR FORCE.

### FORM OF ENROLMENT No. 1.—COMBATANTS.

The prescribed periods for which persons shall be enrolled are stated in the appropriate orders of the Government of India, and save as is hereinafter provided, no person shall by reason of an error in his enrolment paper or otherwise, be compelled to serve for a period longer than that for which he should have been enrolled though he may do so voluntarily, provided his services are required.

ENROLMENT OF

No. Name

as a in the Indian Air Force.

Questions to be put before Enrolment.

You are warned that, if after enrolment, it is found that you have given a wilfully false answer to any of the following eight questions you will be liable to be punished as provided in the Indian Air Force Act.

| | |
|---|---|
| 1. What is your name ? .. .. | 1. |
| 2. What is your father's name ? .. | 2. |
| 3. What is your religion, class and tribe ? .. | 3. |
| 4. What is your Village, Thana, Pergunnah / Tehsil, and District ? | 4. Village<br>Thana<br>Pergunnah / Tehsil<br>District |
| 5. Have you ever been convicted by the Civil Power ? | 5. |
| 6. Do you now belong to His Majesty's Forces the Reserve, or the Forces of any Indian State or the Nepal State Army ? | 6. |
| 7. Have you ever served in His Majesty's Forces, the Reserve, or the Forces of any Indian State or in the Nepal State Army ? If so, state in which and the cause of discharge (a). | 7. |
| 8. Are you in receipt of any allowance from Government, if so, on what account ? | 8. |
| 9. Are you willing to be enrolled as a combatant in the Indian Air Force ? | 9. |
| 10. Are you willing to go wherever ordered by land, sea or air and not to allow any caste usage to interfere with the duties for which you are enrolled ? | 10. |
| 11. Are you willing to be vaccinated or re-vaccinated ? | 11. |
| 12. Are you willing to serve until discharged in accordance with the following conditions, provided that His Majesty shall so long require your services ? (b). | 12. |

(a) If so the person should be asked to produce his discharge certificate.

(b) The set of conditions which is not applicable is to be struck out and the appropriate period of service is to be entered in the set of conditions which is applicable.

CONDITIONS OF SERVICE.

*(1) Enrolments for service involving apprentice training.*

When you have served as an apprentice under training for not less than one year and not more than two years, and after duly qualifying for service in the Indian Air Force, have served in that Force for ........ years in regular service, and, if required to do so, have served for a further period in the Reserve, sufficient to complete a period of ...... ......years total service, excluding service as an apprentice, you will be entitled to receive your discharge with all convenient speed unless war is imminent or existing ; or, unless you are in regular service and the strength of the trade in which you are mustered is ten per cent. below authorised establishment ; provided that, (*i*) in the event of your not having qualified for such regular service within two years from this date, you will be entitled to receive your discharge with all convenient speed at the expiry of 2 years from this date, and (*ii*) in the event of your deserting, service between the date of desertion and that of apprehension or surrender shall not reckon as service towards discharge.

Transfer to the Reserve shall be in the lowest rank, and you will be liable to be transferred thereto on completion of the aforesaid period of regular service, or of any period of extension of regular service. If you are not then transferred to the Reserve and are not permitted to extend or further extend your period of regular service, you will be discharged subject to the conditions stated above.

If, on completion of the aforesaid period of regular service, you are permitted to do so, you may extend your regular service by such specified period as may be fixed.

If, on completion of the aforesaid total period you are still in regular service and continue thus to serve, you will, subject to the provisos stated above, be entitled to receive your discharge within three months from the date of applying for it ; but you will be liable to be discharged on completion of the aforesaid total period of service or at any time thereafter by the competent authority.

*(2) Enrolments for Regular and Reserve service not involving Apprentice Training.*

When you have served for not less than ............ years in regular service and if required to do so, for a further period in the Reserve, sufficient to complete a period of .............. years total service you will be discharged with all convenient speed ; provided that, (*i*) in the event of your deserting, service between the date of desertion and that of apprehension or surrender, shall not reckon as service towards discharge, (*ii*) you will not be entitled to be discharged if war is imminent or existing, (*iii*) you will not be entitled to be discharged if you are in regular service and the strength of the trade in which you are mustered is ten per cent. below authorised establishment.

Transfer to the Reserve shall be in the lowest rank, and you will be liable to be transferred thereto on completion of the aforesaid period of regular service or of any period of extension of regular service. If you are not then transferred to the Reserve and are not permitted to extend or further extend your period of regular service, you will be discharged subject to the conditions stated above.

If, on completion of the aforesaid period of regular service, you are permitted to do so, you may extend your regular service by such specified period as may be fixed.

If, on completion of the aforesaid total period, you are still in regular service and continue thus to serve, you will, subject to the provisos stated above, be entitled to receive your discharge within three months from the date of applying for it. But you will be liable to be discharged on the completion of the aforesaid total period of service or at any time thereafter, by the competent authority.

*(3) Enrolments for Regular Service only.*

When you have served for .......... years from this date you will be entitled to receive your discharge within three months from the date of applying for it unless war is imminent or existing, or, unless the strength of the trade in which you are mustered is ten per cent. below authorised establishment, provided that, in the event of your deserting, service between the date of desertion and that of apprehension or surrender shall not reckon as service towards discharge.

*(4) Enrolments direct into the Reserve.*

When you have served for .............. years from this date, or until you have attained the age of ............ years, whichever occurs first, you will be discharged with all convenient speed, provided that (*i*) in the event of your deserting, service between the date of desertion and that of apprehension or surrender shall not reckon as service towards discharge, (*ii*) you will not be entitled to be discharged if war is imminent or existing.

*(5) Enrolments in special cases when authorised in time of war or emergency.*

When you have served for ........................................ you will be entitled to receive your discharge with all convenient speed.

I, ........................ do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfil the engagement made.

*Signature or thumb impression of person enrolled.*

*Signature of witness*

---

CERTIFICATE OF ENROLLING OFFICER.

The conditions of service No. ............, for which he is now enrolled, were read and explained to the above named person by me (in my presence).

After having cautioned him that if he should make any false answer to any of the above questions, Nos. 1 to 8, he would be liable to be punished as provided in the Indian Air Force Act, I put all the above questions to him and his answer to each question has been duly entered.

I am satisfied that he fully understands the questions put to him and the conditions of service which he has undertaken, and that he consents to those conditions.

Signed at this day of 19 .

*Signature of Enrolling Officer.*

PGG

## ATTESTATION.

Certified that the above named person took the prescribed oath/affirmation before me at

this day of 19 .

Signature or thumb

impression of person attested.

*Signature of Attesting Officer.*

## EXTENSION OF REGULAR SERVICE IN LIEU OF TRANSFER TO THE RESERVE.

*(1) For use when a person extends his Regular Service for a limited period with liability to serve in the Reserve for the remainder of his period of enrolment.*

I agree to extend my regular Service for , years with liability to transfer to the Reserve until I have completed the total period of service for which I am liable under this enrolment.

*Signature.*

Signed in my presence at this day of 19

*Signature of Commanding Officer.*

I agree to extend my Regular Service for years with liability to transfer to the Reserve until I have completed the total period of service for which I am liable under this enrolment.

*Signature.*

Signed in my presence at this day of 19 .

*Signature of Commanding Officer.*

*Note.*—A person may extend his Regular Service on this form as often as may be permitted until he is no longer liable to serve in the Reserve.

*(2) For use when a person extends his Regular Service for the whole period of his enrolment.*

I agree to extend my Regular Service for the whole period of my enrolment instead of being transferred to the Reserve.

*Signature.*

Signed in my presence at this day of 19 .

*Signature of Commanding Officer.*

## TRANSFER TO THE RESERVE.

*For use on transfer to the Reserve for any reason.*

(Name) was transferred to the Reserve

from (date). Reason for transfer....................

Strike out the line or lines which are not applicable. { He was not given the option of extending his Regular Service,<br>or<br>He was given the option of extending his Regular Service but elected not to exercise it.

Signed at this day of 19 .

*Signature of Commanding Officer.*

## TRANSFER TO REGULAR SERVICE FROM THE RESERVE.

On being transferred to Regular Service at my own request for a period of...................... years I declare that I understand that all conditions accepted by me on my enrolment are still applicable, so far as they can be applied and that, subject to any right I may have of extending this period of Regular Service, I am liable on completion thereof, or of any period of extension thereof, to be retransferred to the Reserve for the remainder, if any, of the total period of my enrolment; but have no right to be so retransferred, and am liable to be discharged at any time should His Majesty no longer require my services.

*Signature.*

Signed in my presence at this day of 19 .

*Signature of Commanding Officer.*

## VARIATION OF CONDITIONS OF SERVICE.

THIS VARIATION MAY BE REPEATED, IF NECESSARY.

*For use when a person agrees to vary his period of service for such period as may be authorised by the regulations of the Government of India, for the time being in force.*

I agree to serve ——— for / until I shall have completed ———. before being entitled to my discharge.

Strike out the conditions which are not applicable—

(1) I am aware that all other conditions as to discharge previously accepted by me hold good and also that I am liable to be disharged at any time, should His Majesty no longer require my services.

(2) I agree to all other conditions of service as enumerated under the heading "*Enrolments for Regula and Reserve Service.*"

(3) I agree to all other conditions of service as enumerated under heading "*Enrolments for Regular Service only.*"

*Signature.*

Signed in my presence at ——— this ——— day of ——— 19 .

*Signature of Commanding Officer.*

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## INDIAN AIR FORCE.

FORM OF ENROLMENT NO. 2.—NON-COMBATANTS.

The prescribed periods for which persons shall be enrolled are stated in the appropriate orders of the Government of India, and, save as is hereinafter provided, no person shall, by reason of an error in his enrolment paper or otherwise, be compelled to serve for a period longer than that for which he should have been enrolled though he may do so voluntarily, provided his services are required.

### ENROLMENT OF

No................Name..........................as a Non-Combatant, namely (*a*)..........................

in the Indian Air Force.

Questions to be put before enrolment.

You are warned that if after enrolment it is found that you have given a wilfully false answer to any of the following eight questions you will be liable to be punished as provided in the Indian Air Force Act:—

1. What is your name? .. .. 1.

2. What is your father's name? .. 2.

3. What is your religion, class and tribe? 3.

4. What is your Village, Thana, Pergunnah / Tahsil and District. 4. Village / Thana / Pergunnah / Tehsil / District

5. Have you ever been convicted by the Civil Power? 5.

6. Do you now belong to His Majesty's Force, the Reserve, the Indian Territorial Force, the Forces of any Indian State or to the Nepal State Army? 6.

7. Have you ever served in His Majesty's Forces, the Reserve, the Indian Territorial Force, the Forces of any Indian State or in the Nepal State Army? If so, state in which and the cause of discharge (*b*). 7.

8. Are you in receipt of any allowance from Government? If so, on what account? 8.

9. Are you willing to be enrolled as a Non-Combatant in the Indian Air Force? 9.

10. Are you willing to go wherever ordered by land, sea or air, and not to allow any caste usage to interfere with the duties for which you are enrolled. 10.

11. Are you willing to be vaccinated or re-vaccinated? 11.

12. Are you willing to serve until discharged in accordance with the following conditions, provided that His Majesty shall so long require your services? (*c*) 12.

(*a*) Enter class or trade in which enrolled—*e.g.*, Learner Fitter, Cook, etc.,

(*b*) If so, the person should be asked to produce his discharge certificate.

(*c*) The set of conditions which is not applicable is to be struck out and the appropriate period of service is to be entered in the set of conditions which is applicable.

CONDITIONS OF SERVICE.

*(i) Enrolments in ordinary cases.*

When you have served for........................years from this date you will be entitled to receive your discharge within three months from the date of applying for it unless war is imminent or existing, or the strength of the trade in which you are mustered is ten per cent. below establishment, provided that, in the event of your deserting, service between the date of desertion and that of apprehension or surrender shall not reckon as service towards discharge.

*(ii) Enrolments in cases involving preliminary training.*

When you have served for........................years under training and, having qualified for service on completion of such training, have served for a further period of....................years you will be entitled to receive your discharge within three months from the date of applying for it unless war is imminent or existing, or the strength of the trade in which you are mustered is ten per cent. below establishment, provided that, in the event of your deserting, service between the date of desertion and that of apprehension or surrender shall not reckon as service towards discharge.

*(iii) Enrolments in special cases when authorised in time of War or Emergency.*

When you have served for...........................you will be entitled to receive your discharge with all convenient speed.

I,...............................................do solemnly declare that the above answers made by me to the above questions are true and that I am willing to fulfil the engagements made.

*Signature of Person enrolled*....................

*Signature of Witness*..........................

(Thumb-impression if recruit is unable to write.)

CERTIFICATE OF ENROLLING OFFICER.

The conditions of service for which he is now enrolled were read and explained to the above-named person by me (or in my presence).

After having cautioned him that if he made any false answer to any of the above questions, Nos. 1 to 8, he would be liable to be punished as provided in the Indian Air Force Act, I put all the above questions to him and his answer to each question has been duly entered as replied to.

I am satisfied that he fully understands all the questions put to him and consents to the conditions of service.

Signed at....................this....................day of..................................
19..................

*Signature of Enrolling Officer.*

ATTESTATION.

*(To be completed if the enrolled person is attested.)*

CERTIFIED that the above-named person took the prescribed oath/affirmation before me at...................................this..............................day of.............................. ......................19 .

*Signature of Attesting Officer.*

*Signature or thumb-impression of person attested.*

VARIATION OF CONDITIONS AS TO DISCHARGE.

NOTE.—This variation may be repeated, if necessary.

*For use when the person agrees to extend his period of service for such period as may be authorised by the regulations of the Government of India for the time being in force.*

I agree to serve for / until I shall have completed ....................before being entitled to my discharge.

I am aware that all other conditions as to discharge previously accepted by me hold good and also that I am liable to be discharged at any time, should His Majesty no longer require my services.

Signed / Thumb-impression affixed in my presence at.......................................this...........
day of.......................19 .

*Signature or Thumb impression of the person.*

*Signature of Commanding Officer.*

SECOND APPENDIX.

FORMS OF CHARGES.

PART I.

*Commencement of Charge Sheet.*

The accused [rank, name, corps or unit] an officer of the regular Indian Air Force,

or

The accused [number, rank, name, corps or unit] an airman of the regular Indian Air Force,

or

The accused [name] being a person subject to the Indian Air Force Act as an officer [or airman] under the provisions of Section 2 (1) (c) [and Section 3 (1) of the said Act,

is charged with—

## PART II.

*Statement of offence.*

### OFFENCES IN RESPECT OF AIR FORCE SERVICE.

#### SECTION 31.

(a) Shamefully abandoning a / delivering up a garrison / fortress / post / guard committed to his charge which it was his duty to defend

(b) In presence of an enemy shamefully casting away his arms. / tools. / ammunition.

(c) (1) Treacherously holding correspondence with / giving intelligence to the enemy.

(c) (2) Treacherously / Through cowardice sending a flag of truce to the enemy.

(d) (1) Assisting the enemy with arms. / ammunition. / supplies.

(d) (2) Knowingly harbouring / protecting an enemy not being a prisoner.

(e) Having been made a prisoner of war voluntarily serving with / aiding the enemy.

(f) When on active service voluntarily doing an act calculated to imperil the success of His Majesty's forces. / a part of His Majesty's forces.

(g) Treacherously / Shamefully causing the capture / destruction by the enemy of [one] of His Majesty's aircraft.

(h) Treacherously giving a false air signal / altering / interfering with an air signal.

(i) Having been ordered by his superior officer / When under orders to carry out a warlike operation in the air treacherously / shamefully failing to use his utmost exertions to carry such orders into effect.

#### SECTION 32.

(a) When on active service without orders from his superior officer leaving the ranks in order to secure prisoners / horses / on pretence of taking wounded men to the rear

(b) When on active service without orders from his superior officer wilfully destroying / damaging property.

(c) (1) When on active service by want of due precaution / through disobedience of orders / through wilful neglect of duty being taken prisoner.

(c) (2) When on active service having been taken prisoner failing to rejoin His Majesty's Service when able to do so.

(d) When on active service without due authority holding correspondence with / giving intelligence to / sending a flag of truce to the enemy.

(e) When on active service by word of mouth / in writing / by signal (s) / [otherwise] spreading reports calculated to create unnecessary alarm. / despondency.

(f) when on active service and in action / previously to going into action using words calculated to create alarm. / despondency.

(g) When on active service negligently causing the capture / destruction by the enemy of [one] of His Majesty's aircraft.

(h) When on active service when ordered by his superior officer to / under orders to carry out a warlike operation in the air negligently / through default failing to use his utmost exertions to carry such orders into effect.

(i) When on active service misbehaving before the enemy in such manner as to show cowardice.

#### SECTION 33.*

*(1) Treacherously making known a watchword to a person not entitled to receive it. / giving a watchword different from what he received.

* (2) (a) Without due authority altering / interfering with an air signal.

*(2) (b) [illegible]ing a safeguard.

*(2) (c) Forcing / Striking a sentinel.

* (2) (d) Breaking into a house / [other place] in search of plunder.

*(2) (e) Being an airman acting as sentinel sleeping. / being intoxicated.

*(2) (f) Without orders from his Superior officer leaving his guard. / picquet. / patrol. / post.

*(2) (g) By discharging firearms / making signals / using words / [other means] intentionally occasioning a false alarm.

*(2) (h) When an airman acting as sentinel leaving his post before being regularly relieved.

*When an offence under this Section is committed on active service the words " When on active service " must be prefixed to the charge.

SECTION 34.

(a) By { discharging firearms / making signals / using words / [other means] } negligently occasioning a false alarm.

(b) (1) Making known a watchword to a person not entitled to receive it.

(b) ( ) Without good and sufficient cause giving a watchword different from what he received.

(c) Impeding / When called upon refusing to assist in the execution of his duty, { the Provost Marshal / an Assistant Provost Marshal / an officer / a non-commissioned officer / [other person] } legally exercising authority { under / on behalf of } the Provost Marshal.

(d) (1) Using criminal force to / Committing an assault on } a person bringing { provisions / supplies } to the forces.

(d) (2) Committing an offence against the { property / person } of { an inhabitant of / a resident in } the country in which he was serving.

(e) Irregularly { detaining / appropriating to his own } { unit / detachment } contrary to orders issued in that respect { provisions / supplies } proceeding to the forces.

## MUTINY AND INSUBORDINATION.

SECTION 35.

(a) { Beginning / Inciting / Causing / Conspiring with { another person / other persons } to cause } a mutiny in His Majesty's { naval / military / air } forces.

(b) (1) Joining in a mutiny.

(b) (2) Being present at a mutiny and not using his utmost endeavours to suppress the same.

(c) { Knowing / Having reason to believe in } the existence of { a mutiny / an intention to mutiny / a conspiracy to mutiny } and failing to give information thereof without delay to his commanding or other superior officer.

SECTION 36.

(a) Using criminal force to / Assaulting } his superior officer being in the execution of his office.

(b) Disobeying in such manner as to show wilful defiance of authority a lawful command given personally by his superior officer in the execution of his office.

SECTION 37.*

*(a) Using criminal force to / Assaulting } his superior officer.

*(b) Using { threatening / insubordinate } language to his superior officer.

*(c) Disobeying a lawful command given by his superior officer.

*When an offence under this Section is committed on active service the words "When on active service" must be prefixed to the charge.

SECTION 38.

(a) Being concerned in a { quarrel / affray / disorder } { refusing to obey / using criminal force to / assaulting } an officer who ordered him into arrest.

(b) Using criminal force to / Assaulting } a person in whose custody he had been placed.

(c) Resisting an escort whose duty it was to { apprehend him. / have him in charge.

(d) Breaking out of { barracks. / camp. (Applicable to airmen only). / quarters.

(e) Neglecting to obey a { general / local / [other] } order.

## DESERTION, FRAUDULENT ENLISTMENT, AND ABSENCE WITHOUT LEAVE.

SECTION 39.

(a) When on active service / When under orders for active service } { deserting His Majesty's Service. / attempting to desert His Majesty's Service.

(b) Deserting His Majesty's Service.

(c) Attempting to desert His Majesty's Service.

SECTION 40.

Without having obtained a regular discharge from the Indian Air Force. / Without having fulfilled the conditions enabling him to { enlist / enrol / enter } { enlisting in / enrolling himself in / entering } { another of His Majesty's air forces. / His Majesty's { military / naval } forces. }

re-enrolling himself in the Indian Air Force.

SECTION 41.

Being cognisant of { the desertion / the intended desertion } { of a person subject to the Indian Air Force act not forthwith } { giving notice to his commanding officer. / taking steps to cause the { deserter / intending deserter } to be apprehended. }

SECTION 42.

(a) Absenting himself without leave.

(b) (1) Failing to appear at the time fixed at / Before being relieved going without leave from { a parade. / a place appointed for { exercise. / duty. } }

(b) (2) W[illegible]ut necessity quitting his duty.

†(c) When in { camp / garrison / [elsewhere] } being { beyond the limits fixed / in a place prohibited } by a { general / local / [other] } order without { a pass / written leave } from his superior officer.

†(d) Without { leave from his superior officer / due cause } absenting himself from a school after being duly ordered to attend there.

†Applicable to airmen only.

SCANDALOUS CONDUCT.

SECTION 43.

Behaving in a manner unbecoming the position and character of { an officer. / a warrant officer. }

SECTION 44.

(a) (1) Stealing Government property.

(a) (2) Dishonestly { misappropriating / converting to his own use } Government property entrusted to him.

(b) Dishonestly { receiving / retaining } Government property { knowing / having reason to believe } the same to have been { stolen by a person subject to the Indian Air Force Act. / dishonestly appropriated / dishonestly converted to his own use } by a person subject to the Indian Air Force Act to whom it was entrusted.

(c) Wilfully { destroying / damaging } Government property entrusted to him.

(d) (1) Stealing property of { an air force mess. / an air force band. / an air force institution. / a person { subject to the Indian Air Force Act. / serving with the Indian Air Force / attached to the Indian Air Force. } }

(d) (2) Dishonestly { misappropriating / converting to his own use } property of { an air force mess / an air force band / an air force institution / a person { subject to the Indian Air Force Act / serving with the Indian Air Force / attached to the Indian Air Force } } which had been entrusted to him.

(e) Dishonestly { receiving / retaining } property in respect of which an offence under section 44 sub-section (d) of the Indian Air Force Act had been committed { having reason to believe / knowing } it to have been { stolen / dishonestly { misappropriated. / converted. } }

SECTION 45.

(a) Such an offence as is mentioned in clause (a) of section 45 of Indian Air Force Act with intent to { defraud. / cause wrongful gain to / cause wrongful loss to } a person.

(b) (1) Malingering.

(b) (2) { Feigning / Producing } { disease / infirmity } in himself.

(b) (3) Intentionally { delaying his cure. / aggravating his { disease. / infirmity. } }

(c) Voluntarily causing hurt to { himself / a person } with intent to render { himself / that person } unfit for service.

(d) (1) Committing an offence of { a cruel / an indecent / an unnatural } kind.

(d) (2) Attempting to commit an offence of { a cruel / an indecent / an unnatural } kind and doing an act towards its commission.

INTOXICATION.

SECTION 46.

Intoxication.

## OFFENCES IN RELATION TO PERSONS IN CUSTODY.

### SECTION 47.

(a) When in command of a { guard / picquet / patrol / post } { voluntarily / [otherwise] } releasing without proper authority a person committed to his charge.

(b) { Voluntarily / Negligently } allowing to escape a person { committed to his charge. / whom it was his duty to { keep. / guard. } }

### SECTION 48.

(a) (1) Unnecessarily detaining a person in { arrest / confinement } without bringing him to trial.

(a) (2) Unnecessarily failing to bring a person's case before the proper authority for investigation.

(b) After having committed a person to the custody of { an officer / a non-commissioned officer / a provost marshal / an assistant provost marshal } failing without reasonable cause to deliver { at the time of the committal or as soon as practicable within 24 hours after such committal } { to the officer / to the non-commissioned officer / to the provost marshal / to the assistant provost marshal } { into whose custody the person was committed, an account in writing signed by himself of the offence with which the person so committed was charged. }

(c) When in command of a guard failing { as soon as he was relieved from his { guard / duty } / within twenty-four hours after a person was committed to his charge } to give in writing to the officer to whom he was ordered to report { that person's name / that person's offence so far as known to him / the name { of the officer / the rank { of the person } by whom the person was charged. / the written account given him by the { officer / (person) } by whom the person was committed to his custody. }

### SECTION 49.

Being in lawful custody { escaping. / attempting to escape. }

## OFFENCES IN RELATION TO PROPERTY.

### SECTION 50.

(a) (1) Committing extortion.

(a) (2) Exacting without proper authority { carriage / porterage / provisions } from a person.

(b) In time of peace { committing house breaking for the purpose of plundering. / { plundering / destroying / damaging } { a field. / a garden. / [*other property.*] } }

(c) { Voluntarily / Negligently } { killing / injuring / making away with / ill-treating / losing } an animal used in the public service.

(d) { Making away with / Being concerned in making away with } { arms / ammunition / equipments / instruments / tools / clothing / service necessaries } { issued to him. / required to be maintained by him. }

(e) Losing by neglect { arms / ammunition / equipments / instruments / tools / clothing / service necessaries } { issued to him. / required to be maintained by him. }

(f) Wilfully damaging { { arms / ammunition / equipments / instruments / tools / clothing / service necessaries } { issued to him. / required to be maintained by him. } / property belonging to { Government. / an air force { mess. / band. / institution. } / a person { subject to air force law. / serving with / attached to } the Indian Air Force. } }

(g) { Selling / Pawning / Destroying / Defacing } { a medal / a decoration } granted to him.

## OFFENCES IN RELATION TO FALSE DOCUMENTS AND STATEMENTS.

### SECTION 51.

(a) Making a false accusation against a person subject to the Indian Air Force Act knowing such accusation to be false.

(b) In making a complaint under section 120 of the Indian Air Force Act { knowingly making a false statement affecting the character of a person subject to the Indian Air Force Act. / knowingly and wilfully suppressing a material fact.

(c) { Obtaining / Attempting to obtain } { for himself / for a person } { a pension / an allowance / an advantage / a privilege } { by a false statement which he { knew / believed } to be false. / did not believe to be true. / by { making / using } a false entry in a document. / by making a document containing a false statement. / by omitting to make a { true entry in a document. / document containing a true statement.

(d) { Knowingly furnishing a false / Wilfully / Negligently } { omitting / refusing } to { make / send } a { return / report } of { the number / the state } of the men under his { command. / charge. / { money / arms / ammunition / clothing / equipments / stores / [other property] } in his charge belonging to { the men under his { command. / charge. / the Government. / a person in / a person attached to } the Indian Air Force.

### SECTION 52.

Making a wilfully false answer to a question set forth in the prescribed form of enrolment which was put to him by the enrolling officer.

## OFFENCES IN RELATION TO COURTS-MARTIAL.

### SECTION 53.

(a) When duly summoned to attend as a witness before a court-martial { intentionally omitting to attend. / refusing to { be sworn. / make affirmation. / answer a question. / produce / deliver up } { a document / (other thing) } which he has been duly warned and called upon to { produce. / deliver up.

(b) (1) Intentionally { offering an insult / causing } { an interruption / a disturbance } to a court-martial whilst sitting.

(b) (2) { Using a { menacing / disrespectful } { word / sign / gesture } / Being { insubordinate / violent } } in the presence of a court-martial whilst sitting.

(c) Having been duly { sworn / affirmed } before { a court-martial / a court / an officer } authorised by the Indian Air Force Act to administer an oath or affirmation { making a false statement which he { knew / believed / did not believe to be true. } to be false.

## OFFENCES IN RELATION TO AIRCRAFT.

### SECTION 54.

(a) { Voluntarily / Negligently } { damaging / destroying / losing } { aircraft / aircraft material } belonging to His Majesty.

(b) An { act / omission } likely to cause { damage to / destruction to / loss of } { aircraft / aircraft material } belonging to His Majesty.

(c) An { act / omission } causing { damage to / destruction of } public property by fire.

(d) Without lawful authority disposing of { aircraft / aircraft material } belonging to His Majesty.

(e) An { act / omission } in { flying / the use of / relation to } { aircraft / aircraft material } { causing / likely to cause } { loss of life. / bodily injury to a person.

(f) During a state of war { voluntarily and without proper occasion / negligently } { causing the sequestration / causing the destruction in } { by / under the authority of } { a neutral state of aircraft belonging to His Majesty.

## MISCELLANEOUS AIR FORCE OFFENCES.

### SECTION 55.

(a) { Striking / Ill-treating } a person subject to the Indian Air Force Act being his subordinate in { rank. / position.

(b) When in command { at a post / on the march } { receiving a complaint that a person under his command has { beaten / maltreated / oppressed } a person, / disturbed { a fair, / a market, / committed { a riot, / a trespass. } and failing to have due reparation made to the injured person or to report the case to the proper authority.

(c) By defiling a place of worship [*otherwise*] } intentionally { insulting the religion / wounding the religious feelings } of a person.

(d) Attempting to commit suicide and doing an act towards the commission of the same.

(e) Being below the rank of warrant officer and carrying when off duty { sword / bludgeon / [*other offensive weapon*] } without proper authority { in / about / going to / returning from } { camp. / cantonment. / a town. / a bazar. / a town. / a bazar. }

(f) { Accepting / Obtaining / Agreeing to accept / Attempting to obtain } for himself [*for any other person*] } a gratification as a { motive / reward } { for pro- curing } { the enrolment of a person. / leave of absence / promotion / an advantage / an indulgence } for a person in the service.

(g) { An act / An omission } prejudicial to good order and air force discipline.

## ATTEMPTS NOT BEFORE PROVIDED FOR.

SECTION 56.

Attempting { to....(specify offence) / to cause....(specify offence) to be committed } and doing an act towards the commission of the same.

## ABETMENT.

SECTION 57.

Abetment within the meaning of the Indian Penal Code of an offence punishable under the { Indian Air Force Act, / Army Act. / Air Force Act. / Indian Army Act, }

## CIVIL OFFENCES.

SECTION 58.

Committing a civil effence, that is to say [state the offence as described in the Indian Penal Code or other law in force in British India].

---

## ILLUSTRATION OF CHARGE.

NOTE.—The following is an illustration of a complete charge sheet, with statement of offence and particulars, as it would be placed before a district court-martial :—

## CHARGE SHEET.

The accused, No. 303 Hawai Sepoy 2nd Class Ali Baksh Khan, No. 1 Squadron, Indian Air Force, an airman of the Regular Indian Air Force, is charged with—

First Charge Section 45 (*b*), I. A. F. Act.

FEIGNING DISEASE IN HIMSELF,

in that he,

at Karachi, on the 23rd June 1934, pretended to Flight Lieutenant John Smith, Royal Air Force Medical Service, that he was suffering from violent pains in his head and in his stomach, whereas he was not so suffering.

Second charge Section 42 (*a*), I. A. F. Act.

ABSENTING HIMSELF WITHOUT LEAVE.

in that he,

at Karachi, on the 24th June 1934, absented himself from the lines of his unit without leave at 08-00 hours, until apprehended by the civil police at Hyderabad in Sind at 06-30 hours on the 30th June 1934.

A. B.,
*Commanding No. 1 Squadron,*
*Indian Air Force.*

KARACHI,

*3rd July, 1934.*

To be tried by district court-martial.

X. Y.,
*Convening Officer,*
(or Staff Officer, who should sign " for " the Convening Officer.)

(PLACE),

*8th July 1934.*

## THIRD APPENDIX.

### FORMS AS TO COURTS-MARTIAL.

FORMS FOR ASSEMBLY OF COURTS-MARTIAL.

**No. 1.—General and District.**

*Form of order for the Assembly of a General [or District] Court-Martial under the Indian Air Force Act.*

Orders by

Commanding the

(*Place* *Date*

The detail of officers as mentioned below will assemble at

on the day of

for the purpose of trying by a

court-martial the accused person (persons) named in the margin [and such other person or persons as may be brought before them].

*Here insert any opinion regarding the constitution of the Court rendered necessary by the provisions of Rules 36, 37 and 38.*

The senior officer to sit as President.

MEMBERS†.

WAITING MEMBERS†.

JUDGE-ADVOCATE.

is appointed Judge-Advocate.

INTERPRETER.

is appointed interpreter.

PROSECUTOR.

is appointed Prosecutor.

*

The accused will be warned, and all witnesses duly required to attend.

The proceedings (of which only one copy is required) will be forwarded to

Signed this day of

*Here enter any order regarding Counsel—*Vide* I. A. F. A. Rules 89 and 90.

†These members and the waiting members may be mentioned by name, or the number and ranks and the mode of appointment may alone be named.

**No. 2.—Field General.**

[See combined form for assembly and proceedings below.]

**No. 3.—Declaration for Suspension of Rules.**

*Form of Declaration of Exigencies of the Service or the Necessities of Discipline under Rule 32.*

In my opinion [*exigencies of the service, namely (*state them*)] render it [†impossible] to observe the provisions of rules‡ on the trial of by court-martial assembled pursuant to the order of the of

Signed at this day of

*A. B.*

[Instruction.—*This declaration must be signed by the officer whose opinion is given, and will be annexed to the proceedings. It should not be included in the Convening Order but should be a separate document.*]

*[the necessities of discipline.]

†[or inexpedient.]

‡State the rule or rules which cannot be observed. (See Rule 32.)

## *FORMS OF PROCEEDINGS OF COURTS-MARTIAL.*

*Form of Proceedings of a General (or District) Court-Martial (including some of the incidents which may occur to vary the ordinary course of procedure, with instructions for the guidance of the Court).*

PROCEEDINGS OF A COURT-MARTIAL, held at on the day of 1 by order of Commanding , dated the day of 19

PRESIDENT

| *Rank.* | *Name.* | *Unit.* |
|---|---|---|
| | | |

MEMBERS.

| *Rank.* | *Name.* | *Unit.* |
|---|---|---|
| | | |
| | | |
| | | |

______, Judge-Advocate.

[—Interpreter.]

Trial of*

at o'clock the trial commences.

(1) The order convening the Court is read [orally translated], and [a copy thereof], is marked signed by the president [Judge-Advocate] and attached to the proceedings.

The charge sheet and the summary of evidence are laid before the Court.

[Instructions.—*All documents relating to the Court, or the matters before it, which are intended to form part of the proceedings (such as an order respecting exigencies of the service or a letter answering any question referred to the convening officer) at whatever period of the trial they are received should be read in Open Court, marked so as to identify them, signed by the president (Judge-Advocate), and attached to the proceedings.*]

The Court satisfy themselves that is not available to serve owing to†

‡ waiting member takes his place as a member of the court.

The Court satisfy themselves as provided by Rules 39 and 40.

(2)§

appears as prosecutor, and takes his place.

The above named, the accused, is brought before the Court.

**Here insert No., Rank, Name and Unit.*

†*Here insert reason.*

‡*Here insert Rank, Name and Unit.*

§*Here state Rank, Name and Unit.*

VARIATION.

appears as counsel for the prosecutor.

appears to assist [or as counsel for] the accused.

The names of the president and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

*Question by the president to the accused.*—Do you object to be tried by me as president, or by any of the officers whose names you have heard read over ?

*Answer by accused.*—No.

[Instruction.—*The questions are to be numbered throughout consecutively in a single series. The letters Q. and A. in the margin may stand for Question and Answer respectively.*]

VARIATIONS.

CHALLENGING OFFICERS.

*Answer.*—I object to

*Question to accused.*—Do you object to any other person ?

*(This question must be repeated until all the objections are ascertained.)*

*Answer.*—

*Question to accused.*—What is your objection to *(the junior officer objected to)* ?

*Answer by accused.*—

The accused in support of his objection to , requests permission to call etc., etc.

is called into Court, and is questioned by the accused.

The Court is closed to consider the objection.

*Decision.*—The Court disallow the objection.

The Court is re-opened, and the above decision is made known to the accused.

*or,*

*Decision.*—The Court allow the objection.

The Court is re-opened, and the above decision is made known to the accused.

retires.

*Fresh Member.*—* takes his place as a member of the Court

*(This only applies in the case of there being a waiting member of the Court.)*

He appears to the Court to be eligible and not disqualified to serve on this court-martial.

*Question to accused.*—Do you object to be tried by *(the fresh member)* ?

*Answer.*—

*(If he objects, the objection will be dealt with in the same manner as the former objection.)*

*Question to the accused.*—What is your objection to *(the junior of the officers objected to)* ?

*(This objection will be dealt with in the same manner as the former objection.)*

The Court adjourn for the purpose of fresh members being appointed,

*or,*

The Court is of the opinion that in the interests of justice and for the good of the service, it is inexpedient to adjourn for the purpose of fresh members being appointed, because [*here state the reasons.*]

At o'clock on the Court resumed their proceedings and an order appointing fresh officers is read, marked and attached to the proceedings.

The Court satisfy themselves with respect to such fresh officers as provided by rule 39.

**Insert Rank, Name and Unit.*

[Instruction.—*The procedure as to challenging fresh officers, and the procedure, if any objection is allowed, will be the same as above.* ]

The president and members of the Court, as constituted after the above proceedings, are as follows :—

PRESIDENT.

| *Rank.* | *Name.* | *Unit.* |
|---|---|---|
| | | |

MEMBERS.

| *Rank.* | *Name.* | *Unit.* |
|---|---|---|
| | | |
| | | |

The President, Members, and judge-advocate are duly sworn [*or* affirmed] (also any officer under instruction).

[Instruction.—*(1) The witnesses if in Court, other than the prosecutor, should be ordered out of the Court at this stage of the proceedings.*

*(2) Also any interpreter and short-hand writer should be now sworn.*]

*Question to the accused.*—Do you object to as interpreter ?

*A* —

[Instruction.—*In case of objection the same procedure will be followed as in the case of an objection to a member of the Court.*]

Do you object to as short-hand writer ?

[Instruction.—*In case of objection the same procedure will be followed as in the case of an objection to a member of the Court.*]

CHARGE-SHEET.

(3) The charge-sheet is signed by the president, [judge-advocate] marked and annexed to the proceedings. The accused is arraigned upon each charge in the abovementioned charge-sheet.

*Question to the accused.*—Are you guilty or not guilty of the [*first*] charge against you, which you have heard read ?

*A.*—

[Instruction.—*When there is more than one charge the foregoing question will be asked after each charge is read, the number of the charge being stated.*]

[Instruction.—*If the accused pleads guilty to any charge, the provisions of Rule 50 (B) must be complied with, and the fact that they have been complied with must be recorded.*]

VARIATIONS.

The accused objects to the charge.

*Question to the accused.*—What is your objection ?

*Decision.*

The Court is closed to consider their decision.

The Court disallow the objection [*or*, the Court allow the objection, and agree to report to the convening officer.]

The Court is re-opened, and the above decision is read to the accused.

The Court proceed to the trial [*or* adjourn].

*Plea to jurisdiction.*—The accused pleads to the general jurisdiction oft he Court.

*Question to the accused.*—What are the grounds of your plea ?

*A.*—

*Q.*—Do you wish to produce any evidence in support of your plea ?

*A.*—

*Witnesses* —Witness is examined on oath [*or* affirmation].

[Instruction.—*The examination, etc., of the witnesses called by the accused and of any witnesses called by the prosecutor in reply, will proceed as directed below in paragraphs (5) and (6). The prosecutor will be entitled to reply after all the evidence is given.*]

*Decision.*—The Court is closed to consider their decision.

The Court allow [*or* overrule] the plea [*or*, resolve to refer the point to the convening authority, *or* decide specially that]

The Court is re-opened, and the above decision is read to the accused.

The Court proceed to the trial [*or* adjourn].

VARIATION.

*Plea in bar of trial.*—Accused, besides the plea of guilty [*or*, not guilty], offers a plea in bar of trial.

*Question to the accused.*—What are the grounds of your plea ?

*A.*—

*Q.*—Do you wish to produce any evidence in support of your plea ?

*A.*—

*Witnesses.*—Witness examined on oath [*or* affirmation].

[Instruction.—*The examination, etc., of the witnesses called by the accused, and of any witnesses called by the prosecutor in reply, will proceed as directed below in paragraphs (5) and (6). The prosecutor will be entitled to reply after all the evidence is given.*]

*Decision.*—The Court is closed to consider their decision.

The Court allow the plea and resolve to adjourn [*or* to proceed to the trial on another charge] [*or* the Court overrule the plea].

The Court is re-opened, and the above decision is read to the accused.

The Court adjourn [*or* proceed with the trial on another charge] [*or* proceed with the trial].

*Refusal to plead.*—As the accused does not plead intelligibly [*or* refuses to plead to the above charge, *or* does not plead guilty to the above charge] the Court enter a plea of " not guilty "

PROCEEDINGS ON PLEA OF GUILTY.

(4) The accused [*number* , *rank* , *name*

*Unit* ] is found guilty of the charge [all the charges]

*or,*

is found guilty of the charge, and is found not guilty of the charge.

[Instruction.—*If the trial proceeds upon any charge to which there is a plea of not guilty, the Court will not proceed upon the record of the plea of guilty until after the finding on those other charges; and in that case the Court will be re-opened and the charge on which the record is guilty must be read to the accused again.*

*The accused may in accordance with Rule 52 (B) make any statement he wishes in reference to the charge.*]

The summary of evidence is read [orally translated], marked signed by the president [judge-advocate], and attached to the proceedings.

[Instruction.—*If there is no summary of evidence, sufficient evidence to enable the Court to determine the sentence and to enable the confirming officer to know all the circumstances connected with the case will be taken as in Paragraph (5). No address will be allowed*]

VARIATION.

The Court being satisfied from the statement of the accused [or the summary of evidence, or *otherwise*] that the accused did not understand the effect of the plea of "guilty" alters the record and enters a plea of "not guilty."

[Instruction.—*The Court will then proceed in respect of the charge as in paragraph (5).*]

*Question to the accused*—Do you wish to make any statement in mitigation of punishment?

*A.*—No, *or*

The accused in mitigation of punishment says [*or if the statement is in writing* hands in a written statement, which is read [orally translated], marked , signed by the president [*judge-advocate*] and attached to the proceedings].

[Instruction—*If the statement of accused is not in writing, and is delivered by himself, the material portions should be taken down in the first person, and as nearly as possible in his own words.*

*If the statement is not in writing and not delivered by the accused himself the material portions should be recorded.*

*In either case any matter which is requested by or on behalf of the accused to be recorded should be recorded, and care must be taken, whether a request is made or not, to record every point brought forward in mitigation of punishment.*]

VARIATION.

The Court give permission to the accused to call witnesses to prove his above statement that [*here specify the statement which is to be proved*].

Instruction.—(*1*) *The examination, etc., of witnesses called in pursuance of this permission will proceed in the same manner as under paragraph* (*6*).

(*2*) *The procedure as to sentence, recommendation to mercy, and confirmation will be as in Paragraphs* (11) *and* (*13*)]

*Evidence as to character.*

Question to the accused.—Do you wish to call any witnesses as to character?

A.—Yes. [No.]

[Instructions—(*1*) *The examination, etc., of witnesses as to character will proceed as in paragraph* (*6*).

(2) *Evidence as to character and particulars of service will be taken as in paragraph* (11)].

PROCEEDINGS ON PLEA OF NOT GUILTY.

(5) [*If the prosecutor makes an address.*] The prosecutor makes the following address, [*or, if the address is written,* hands in a written address, which is read, (orally translated) marked , signed by the president (judge-advocate) and attached to the proceedings.]

[Instruction.—*Where the address of the prosecutor is not in writing, the Court should record so much as appears to them material, and so much as the prosecutor requires to be recorded.*]

*First witness for prosecution.*

The prosecutor proceeds to call witnesses.

* being duly sworn [affirmed] is examined by the prosecuter.

Cross-examined by the accused.

Re-examined by the Prosecutor.

Examined by the Court.

**Here insert his number, rank, name, and unit and appointment (if any), or other description.*

His evidence is read to the witness.

[Instruction.—*The fact that Rule 106 (b), (c), (d) have been complied with should be recorded.*]

The witness withdraws.

VARIATIONS.

The accused declines to cross-examine this witness.

[Instruction.—*In every case where the accused does not cross-examine a witness for the prosecution this statement is to be made, in ord·r that it may appear on the face of the proceedings that he has had the opportunity given him of cross-examination.*]

The Court, at the request of the accused, allow the cross-examination of the witness to be postponed.

The accused [*or* the prosecutor] objects to the following question :—

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The Court is closed to consider their decision.

The Court overrule [*or* allow] the objection, and the Court is re-opened and the decision announced.

The witness on his evidence being read to him, makes the following explanation or alteration ;—

---

Examined by the prosecutor as to the above explanation or alteration.

---

Examined by the accused as to the above explanation or alteration.

---

The prosecutor and accused decline to examine him respecting the above explanation or alteration.

*Second witness for prosecution.*

being duly sworn, [affirmed], is examined by the prosecutor.

[*The examination, etc., of this and every other witness proceeds as in the case of the first witness*)

*Adjournment.*

At o'clock the Court adjourn until o'clock on the

Second day.

On the of 19 , at o'clock, the Court re-assemble, pursuant to adjournment, present the same members as on the of

VARIATION.

[Instructions.—[*1*] *If a member is absent, and his absence will reduce the Court below the legal minimum and it appears to the members present that the absent member cannot attend within a reasonable time, the president or senior member present will thereupon report the case to the convening officer.*

(2) *If the judge-advocate is absent, and cannot attend within a reasonable time, the Court will adjourn, and the president will thereupon report the case to the convening authority* (*See Rule* 9. ]

*Absent member*.—[*Rank Name—Unit*] *being absent.*

[*The absence is accounted for.*]

A medical certificate [*or* letter, *or as the case may be*] is produced, read, marked and attached to the proceedings.

The Court adjourn until

*or,*

There being present [*not less than the legal minimum*] members, the trial is proceeded with.

*New Judge advocate*.—An order bearing date appointing to act as jud e-a vocate in the p a e of , w o , is read marked , signed by the president [judge-advocate], and attached to the proceed n s, and the new judge-advoc te duly sworn affirmed].

The trial is proceeded with.

[ nstructions — 1) *If he Court, in consequence of the adjournment having been prolonged by the senior officer on the spot or otherwise, do not eet on the day to which they previously adjourned or if the adjournment was unti surther orders, the words "pursuant to adjournment" will be omitted from the above form, and the cause of their meeting at the above time will be entered in the proceedings.*

(2) *If the place of meeting has been altered by orders, or otherwise, the place of meeting and the reason for meeting at that place will be entered in the proceedings.*]

Examination (cross-examination) of continued.

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The prosecution is closed.

DEFENCE.

*Question to accused.*—Do you intend to call any witness in your defence ?

A.—Yes [No.]

Q.—Is he a witness as to character only ?

A.—

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VARIATION.

*[If the accused is defended by counsel or by an officer having the rights of counsel]*

Do you wish to make any statement in addition to the address made by your counsel [or ]?

(6) [Instructions (1).—*If the accused calls no witnesses to the facts of the case, adopt this and omit (7).*

(2) *If the accused is defended by counsel or an officer having the rights of counsel and does not wish to make a statement in addition to the address of such counsel or officer, adopt this and omit (7).*]

The prosecutor addresses the Court upon the evidence for the prosecution as follows [or, *if the address is written*, hands in a written address, which is read (orally translated) marked , signed by the president (judge-advocate) and attached to the proceedings.]

[Instruction.—*Where the address of the prosecutor is not in writing the Court should record so much as appears to them material and so much as the prosecutor requires to be recorded.*]

*Question to accused.*—Have you anything to say in your defence?

VARIATION.

The Court, at the request of the accused, adjourn until to enable him to prepare his defence.

The accused in his defence says [*or* hands in a written address, which is read (orally translated), marked , signed by the president (judge-advocate) and attached to the proceedings].

[Instruction.—*If the address of the accused is not in writing and is delivered by himself, the material portions should be taken down in the first person, and as nearly as possible in his own words.*

*If the address is not in writing and not delivered by the accused himself the material portions should be recorded.*

*In either case any matter which is requested by or on behalf of the accused to be recorded should be recorded, and care must be taken, whether a request is made or not, to record every point brought forward in the defence or in mitigation of punishment.*]

*First witness as to character.*

The accused calls the following witnesses as to character*

is duly sworn (affirmed).

Examined by the Accused.

* *Here insert his number, rank, name and unit and appointment (if any), or other description.*

Cross-examined by the Prosecutor.

Re-examined by the Accused.

Examined by the Court.

His evidence is read to the witness.

[Instruction.—*The fact that Rules 106 (b), (c), (d) have been complied with should be recorded.*]

The witness withdraws.

VARIATIONS.

The prosecutor declines to cross-examine this witness.

The witness, on his evidence being read to him, makes the following explanation *or* alteration.

Examined by the accused as to the above explanation *or* alteration.

Examined by the prosecutor as to the above explanation *or* alteration.

The accused and prosecutor decline to examine him respecting the above explanation or alterations.

(7) [Instruction.—*If the accused calls witnesses to the facts of the case, or if an accused person, being defended by counsel or by an officer having the rights of counsel, wishes to make a statement in addition to the address by such counsel or officer, then omit paragraph (6), and adopt (7).*]

*Question to accused.*—Have you anything to say in your defence?

VARIATION.

The Court, at the request of the accused, adjourn until to enable him to prepare his defence.

The accused in his defence says [*or if his address is in writing*, hands in a written address, which is read (orally translated) marked signed by the president (judge-advocate) and attached to the proceedings].

[Instruction.—(*1*) *If the defence of the accused is not in writing and is delivered by himself, the material portions should be taken down in the first person, and as nearly as possible in his own words.*

(*2*) *If the address is not in writing and is not delivered by the accused himself, the material portions should be recorded.*

(*3*) *In either case, any matter which is requested by or on behalf of the accused to be recorded should be recorded, and care must be taken, whether a request is made or not, to record every point brought forward in the defence or in mitigation of punishment.*]

* is duly sworn [affirmed].

*Examined by the Accused.*

*Cross-examined by the Prosecutor.*

**Here insert his number, rank, name and unit and appointment (if any) or other description.*

Re-examined by the Accused.

Examined by the Court.

His evidence is read to the witness.

[Instruction.—*The fact that rule 106 (b), (c) and (d) have been complied with should be recorded.*]

The witness withdraws.

VARIATIONS.

The prosecutor declines to cross-examine this witness.

The witness, on his evidence being read to him, makes the following explanation or alteration.

Examined by the accused as to the above explanation or alteration.

Examined by the prosecutor as to the above explanation or alteration

The accused and prosecutor decline to examine him respecting such explanation or alteration.

[*Where the accused is defended by counsel or, an officer having the rights of counsel.*] The accused makes the following statement in addition to the address by his counsel [*or* ]. (*a*).

The prosecutor [by leave of the Court] calls witnesses in reply.

The accused makes the following address [*or, if the address is in writing*, hands in a written address, which is read (orally translated) marked , signed by the president (judge-advocate), and attached to the proceedings].

The prosecutor makes the following reply (*or, if the reply is in writing*, hands in a written reply, which is read (orally translated) marked , signed by the president (judge-advocate), and attached to the proceedings] ;

*or,*

The prosecutor declines to make a reply.

[Instruction.—*Where the reply of the prosecutor is not in writing, the Court should record so much as appears to them material, and so much as the prosecutor requires to be recorded.*

*If the address of the accused is not in writing and is delivered by himself, the material portions should be taken down in the first person, and as nearly as possible in his own words.*

*If the address is not in writing and not delivered by the accused himself, the material portions should be recorded.*

*In either case, any matter which is requested by or on behalf of the accused to be recorded should be recorded, and care must be taken whether a request is made or not to record every point brought forward in the defence or in mitigation of punishment.*]

VARIATION.

The Court, at the request of the accused adjourn until to enable the accused to prepare his address.

The Court, at the request of the prosecutor, adjourn until to enable the prosecutor to prepare his reply.

(*a*) The accused must make his statement at the close of the case for the prosecution and before the address by his counsel. See Rule 95.

SUMMING UP.

(8) The judge advocate hands in a written summing up, which is read, [orally translated] marked , signed by the president, and attached to the proceedings.

VARIATIONS.

The judge-advocate and the Court think a summing up unnecessary.

*or,*

The Court, at the request of the judge-advocate, adjourn until to enable him to prepare his summing up.

FINDING.

(9) The Court is closed f r the consideration of the finding.

* *No not guilty.*—The Court find that the accused [*No.—Rank—Name—Unit*] is not guilty of the charge [and honourably acquit him of the same], but is guilty of the

*or,*

**Guilty,*
is guilty of the charge [all the charges];

*or,*

is guilty of the charge, and guilty of the charge with the exception of the words [*or* with exception that]

*or,*

is not guilty of desertion, but is guilty of absence without leave from the to the , being a period of days.

[Instruction.—*Any special finding allowed by section 91 of the Indian Air Force Act may be expressed in this form*];

*or,*

**Special finding,*

find that the accused did [*Here set out such particulars in any charge as the Court find to be proved*], but the Court doubt whether such facts constitute in law the offence stated in the charge, or in the charge, or in the charge, and therefore they find him guilty of the offence in such one of those charges as the facts in law constitute;

*or,*

adjourn for the purpose of consulting the convening [*or as the case may be*, confirming] officer;

On re-assembly on the day of , and on reading the opinion of , which is marked and annexed to the proceedings, find that the accused, etc.

PROCEEDINGS ON ACQUITTAL OF ALL THE CHARGES.

(10) **Acquittal.*—The Court find that the accused (*No.—Rank—Name—Unit*) is not guilty of the charge [*or* all the charges];

*or,*

is not guilty of the charge [*or* all the charges] and honourably acquit him of the same.

Signed at , this day of

(*Signature.*) (*Signature.*)

Judge-Advocate. President.

**Insanity.*—The Court find that the accused (*No.—Rank—Name—Unit*) is of unsound mind and consequently incapable of making his defence.

*or,*

committed the act [acts] alleged as constituting the offence [offences] specified in the charge [charges] but was by reason of unsoundness of mind incapable of knowing the nature of that act [those acts] [*or* but was by reason of unsoundness] of mind incapable of knowing that that act was wrong [those acts were wrong] [or contrary to law.]

Signed at , this day of

(*Signature.*) (*Signature.*)

Judge-Advocate. President.

Confirmed.

At this day of

(*Signature of Confirming Authority.*)

*The words in italics are to be entered in the margin.

PROCEEDINGS ON CONVICTION.

*Before sentence.*

(11) The Court being re-opened the accused is again brought before it. is duly sworn [*or* affirmed].

*Evidence of character, etc.*

*Question.*—What record have you to produce in proof of former convictions against accused and of his character ?

*Answer by witness.*—I produce a statement certified under the hand of the officer having custody of the service [*or other official*] records.

The statement is read [orally translated] marked signed by the president [judge-advocate], and attached to the proceedings.

*Q.*—Is the accused the person named in the statement you have heard read ?

*A.*

*Q.*—Have you compared the contents of the above statement with the service [*or other official*] records ?

*A.*

*Q.*—Are they true extracts from the service [*or other official*] records and is the statement of entries in the conduct sheet a fair and true summary of those entries ?

*A.*

---

Cross-examined by the accused

---

Re-examined.

---

*or*,

The accused declines to cross-examine this witness.

[Instruction.—*Any further question will be put and any evidence produced which the Court require as to any point respecting the character and service of the accused on which the Court desire to have information for the purpose of their sentence.*

*At the request of the accused, or by the direction of the Court, the service or other official books, or a certified copy of the material entries therein must be produced for the purpose of comparison with the statement.*

*The accused is entitled to call the attention of the court to any entries in the service or other official books, or in the certified copy above-mentioned, and to show that they are inconsistent with the statement.*

*When all the evidence on the above matters has been given the accused may address the Court thereon.*

Question to accused.

Do you wish to address the Court ?

Answer.

The Court is closed for the consideration of the sentence.

SENTENCE.

The Court sentence the accused (*No.—Rank.—Name.—Unit*).

(*a*) **Death.*—To suffer death by being hanged by the neck until he be dead [*or* to suffer death by being shot to death].

(*b*) **Transportation*— — *years.*—To suffer transportation for the term of years [*or* for life].

(*c*) **Rigorous Simple imprisonment*— — To suffer rigorous [simple] imprisonment for years [months *or* days].

(*d*) *Detention.*—To undergo detention for years [months *or* days].

(*e*) **Dismissal.*—To be dismissed from the service.

(*f*) **Suspensions.*—To be suspended from rank, pay and allowances for a period of

(*g*) **Reduction.*—To be reduced to a lower grade [*or* class] of warrant officer, that is to say, to

*or*,

to be reduced to the rank of [or to the ranks].

(*h*) **Forfeiture of seniority.*—To take rank and precedence as if his appointment to the rank [grade or class] of bore date.

(*i*) **Forfeitures, stoppages.*—To forfeit past service for the purpose of ; or to forfeit good conduct [service] badges with the pay attached thereto ; *or*
to forfeit the (*state medal, clasp and decoration, or any of them, which is to be forfeited*) with any annuity or gratuity attached thereto ; *or*
to forfeit all arrears of pay and allowances and other public money due to him at the time of his dismissal ; *or*
to forfeit pay and allowances for a period of ; *or*
to be put under stoppages of pay and allowances until he has made good the value of the following articles, *viz.*, *state the articles and the value of each*) [or until he shall have made good the sum of in respect of (*state the circumstances in respect of which the same is awarded*) ].

*The words in italics are to be entered in the margin.

(j) *Field punishment.—To suffer field punishment No. for a period of

(k) *Reprimand or severe reprimand.—To be reprimanded [or severely reprimanded].

*The words in italics are to be entered in the margin.

RECOMMENDATION TO MERCY.

The Court recommend the accused to mercy on the ground that

SIGNATURE.

Signed at , this day of 19 .

(Signature.) (Signature.)

Judge-Advocate. President.

REVISION.

(12) At , on the day of

at o'clock, the Court re-assemble by order of

for the purpose of re-considering their

Present, the same members as on the

VARIATION.

[Instruction.—*If a member is absent and the absence will reduce the Court below the required minimum, and it appears to the members present that such absent member cannot attend within a reasonable time, the president, or, in his absence, the senior member present shall thereupon report the case to the convening officer.*

*Absent member.*—[*Rank, name, unit*] being absent.

[*The absence is accounted for.*]

A medical certificate [or letter, *or as the case may be*] is produced, read, marked and attached to the proceedings.

There being present [*not less than the required minimum*] members the Court proceeds.

The letter [order or memorandum] directing the reassembly of the Court for the revision, and giving the reasons of the confirming authority for requiring a revision of the finding [finding and sentence] [*or* sentence] is read, marked , signed by the president [judge-advocate] and attached to the proceedings.

[Instruction.—*If the confirming authority so orders, additional evidence may be taken on revision; such evidence will be taken as in paragraphs (5) and (6).*]

*Revised finding.*—The Court having attentively considered the observations of the confirming authority, and the whole of the proceedings:

(a) do now revoke their finding and sentence, and find and sentence the accused to

*or,*

(b) do now revoke their sentence, and now sentence the accused, etc., etc.,

*or,*

(c) do now respectfully adhere to their sentence [*or* finding and sentence].

Signed at , this day of 19 .

(Signature.) (Signature.)

Judge-Advocate. President

CONFIRMATION.

(13) Confirmed,

*or,*

Confirmed. I direct that the sentence of imprisonment shall be carried out by confinement in air force custody.

*or,*

I vary the sentence so that it shall be as follows , and confirm the finding and the sentence as so varied,

*or,*

I confirm the finding and sentence of the Court, but mitigate [remit, *or*, commute ].

*or,*

[*Where it is necessary to confirm the special finding on several alternative charges.*]

I confirm the finding on and charges, and I confirm the special finding relating to the and charges, and declare that that finding amounts to a finding of guilty on the charge, and of not guilty on the and charges.

I confirm the sentence but mitigate [remit, or commute];

*or,*

[*Where the confirming officer desires partly to reserve his confirmation.*]

I confirm the finding of the Court on the and charges and reserve for confirmation by superior authority the finding on the and charges, and the sentence

*or,*

I confirm the findings of the Court, but reserve the sentence for confirmation by superior authority;

*or,*

I confirm the findings of the Court, and the sentence of the Court as to and reserve the sentence so far as it for confirmation by superior authority;

*or,*

[*Where the finding is not confirmed.*]

Not confirmed [*the reasons for non-confirmation may be stated.*]

Signed at , this day of 19 .

(*Signature of Confirming Authority.*)

[Instruction.—*Any remarks of the confirming authority should be separate from and form no part of the proceedings*]

[*Where the declaration respecting a special finding on alternative charges is added subsequently to the confirmation* (*Rule 68*).]

I declare that the special finding relating to the and charges amounts to a finding of guilty on the charge, and of not guilty on the and charges.

Signed at , this day of 19 .

(*Signature of Authority.*)

FORM OF SUMMONS.

*Form of Summons to a witness summoned under section 89 of the Indian Air Force Act.*

To

Whereas a Court-martial has been ordered to assemble at on the day of 19 , for the trial of , of the [unit], I do hereby summon and require you *A.* *B.* to attend, as a witness, the sitting of the said Court at on the day of at o'clock in the forenoon [and to bring with you the documents hereinafter mentioned, namely, ], and so to attend from day to day until you shall be duly discharged, whereof you shall fail at your peril.

Given under my hand at on the day of 19 .

(Signature.)

Convening Officer [*or* Judge-Advocate *or* President of the Court *or* Commanding Officer of the Accused].

FORM FOR ASSEMBLY AND PROCEEDINGS OF A FIELD GENERAL COURT-MARTIAL.

A.—*Order convening the Court.*

At (place) this day of 19 .

*(1) *Beginning of Form in cases falling under clause (a) of section 69 of the Indian Air Force Act.*

Whereas it appears to me an officer empowered in this behalf by an order of the Governor-General in Council that the person/persons named in the annexed schedule, and being subject to Indian Air Force law, has/have committed the offence/offences in the said schedule mentioned ;

*(2) *Beginning of Form in cases falling under clause (b) of section 69 of the Indian Air Force Act.*

Whereas it appears to me the/an officer commanding the forces in the field/empowered in this behalf by the officer commanding the forces in the field on active service that the person/persons named in the annexed schedule, and being subject to Indian Air Force law, has/have committed the offence/offences in the said schedule mentioned ;

*(3) *Beginning of Form in cases falling under clause (c) of section 69 of the Indian Air Force Act.*

Whereas it appears to me an officer now in command of , being a detached portion of the Indian Air Force upon active service that the person/persons named in the annexed schedule, and being subject to Indian Air Force law, has/have committed the offence/offences in the said schedule mentioned ; and whereas I am of opinion that it is not practicable with due regard to discipline and the exigencies of the service that the said offence/offences should be tried by an ordinary general court-martial ;

*Only one of these will be used, the two which are in applicable being struck out.

(d) *End of form applicable to all cases.*

I hereby convene a field general court-martial to try the said person/persons and to consist of

*Ranks, names and units of members.*

[ *Here enter the special order (if any) under Rule 125 and any order under section 104 (2) (c) of the Indian Air Force Act.*]

(*Signature of convening officer.*)

B.—*Certificate of President as to Proceedings.*

I certify that the above Court assembled on the day of , 19 , and duly tried the person/persons named in the said schedule, and that the plea, finding and sentence in the case of such/each such person were as stated in the third and fourth columns of that schedule.

I further certify that the members of the Court, the witnesses and the interpreter were duly sworn or affirmed.

Signed at (place) this day of 19 .

(*Signature of President.*)

C.—*Confirmation.*

[In cases in which confirmation is required by section 104 of the Indian Air Force Act.]

I have dealt with the finding/findings and sentence/sentences in the manner stated in the last column of the said schedule, and, subject to what I have there stated I hereby confirm the above finding/findings and sentence/sentences.

Signed at (place) this day of 19 .

(*Signature of confirming officer.*)

SCHEDULE.

Date 19 .

| Name of alleged offender.* | Offence charged. | Plea. | Finding, and if convicted, sentence.† | How dealt with by confirming officer.‡ |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| Ram Bux (Bannia).. | Theft of Government property. | Guilty. .. | Guilty. Rigorous imprisonment for ———. | Confirmed. I remit A——B——. |
| 262. Sepoy Jhanda Singh ——— Squadron. | Breaking into house for plunder. | Not Guilty .. | Guilty. Field punishment, No. I, for two months. | |
| 564. Sepoy Hussain Khan, ——— Squadron. | Sleeping on post in time of war. | Not Guilty .. | Guilty. Death by being shot to death. Recommended to mercy. | Confirmed, but commuted to field punishment No. I, for three months. A——B——. |
| Person accompanying force (name unknown), white jacket and trousers, scar on right cheek. | Impeding provost-marshal. | Not Guilty .. | Not Guilty .. | Confirmed. A——B——. |
| Sepoy in uniform of Indian Air Force (name unknown). | Civil offence Rape.. | Not Guilty .. | Guilty. Transportation for life. | Confirmed. A——B——. |

A——B——
Convening Officer.

C——D——.
President.

* If the name of the person charged is unknown, he may be described as unknown, with such addition as will identify him.

† Recommendation to mercy to be inserted in this column.

‡ If confirmation is not required this column should be left blank. See Indian Air Force Act, Section 104.

## FOURTH APPENDIX.

WARRANTS UNDER SECTIONS 113, 116 AND 117 OF THE INDIAN AIR FORCE ACT.

### Form A.

*Warrant of commitment for use when a prisoner is sentenced to transportation (Indian Air Force Act, section 117)*

*To the Superintendent*

*of the* (a) *Prison.*

Whereas at a (b) Court-Martial, held at on the day of , 19 (*Number, Rank, Name*) of the Unit was convicted of (*the offence to be briefly stated here as "desertion," "corresponding with the enemy," "disobedience of lawful command" or as the case may be*).

And whereas the said (b) Court-Martial on the day of , 19 passed the following sentence upon the said (*Name*) ; that is to say :—

(*Sentence to be entered in full, but without signature.*)

And whereas the said sentence has been duly confirmed by (c) as required by law. (d)

This is to require and authorise you to receive the said (*Name*) into your custody in the said prison as by law is required, together with this warrant, until he shall be delivered over by you with the said warrant to the proper authority and custody for the purpose of undergoing the aforesaid sentence of transportation. The aforesaid sentence has effect from the (e).

Given under my hand at this the day of , 19 .

Signature (*f*).

(a) Enter name of prison.

(b) General or Field General.

(c) Name and description of confirming authority.

(d) Add if necessary " with a remission of ."

(e) Enter date on which the *original* sentence was signed.

(f) Signature of Commanding Officer of prisoner or other prescribed officer.—See Rule 131.

### Form B.

*Warrant of commitment for use when a prisoner is sentenced to rigorous or simple imprisonment which is to be undergone in a prison (Indian Air Force Act, section 113).*

*To the Superintendent*

*of the* (a) *Prison.*

Whereas at a (b) Court-Martial held at on the day of , 19 (*Number, Rank, Name*) of the Unit was duly convicted of (*the offence to be briefly stated here, as "desertion," "theft," "receiving stolen goods," "fraud," "disobedience of lawful command" or as the case may be*).

And whereas the said (b) Court-Martial, on the day of , 19 passed the following sentence upon the said (*Name*) ; that is to say :—

(*Sentence to be entered in full but without signature.*)

And whereas the said sentence (c) has been duly confirmed by (d) as required by law. (e).
is by law valid without confirmation.

(a) Enter name of prison.

(b) General, District, or Field General.

(c) Strike out inapplicable words.

(d) Name and description of confirming authority.

(e) Add if necessary " with a remission of ."

This is to require and authorise you to receive the said (*Name*) into your custody together with this warrant and there carry the aforesaid sentence of Rigorous / Simple Imprisonment into execution according to law. The sentence has effect from the (*f*).

Given under my hand at this the day of , 19 .

Signature (*g*).

(f) Enter date on which the *original* sentence was signed.

(g) Signature of Commanding Officer of prisoner or other prescribed officer.—See Rule 131.

Form C.

*Warrant for use when a prisoner is pardoned or his trial set aside, or when the whole sentence, or the unexpired portion thereof, is remitted (Indian Air Force Act, section 116).*

*To the Superintendent*

*of the* (a) *Prison.*

Whereas (*Number, Rank, Name*) (*late*) of the Unit is confined in the (a) prison under a warrant issued by (b) in pursuance of a sentence of (c) passed upon him by a (d) Court-Martial held at on ; and whereas (e) has, in the exercise of the powers conferred upon him by the Indian Air Force Act, passed the following order regarding the aforesaid sentence, that is to say :—

(f) ______________________________

______________________________

______________________________

This is to require and authorise you to forthwith discharge the said (*Name*) from your custody unless he i liable to be detained for some other cause ; and for your so discharging him this shall be your sufficient warrant.

Given under my hand at this the day of , 19 .

Signature (g).

(a) Enter name of prison.

(b) Enter name or designation of officer who signed original warrant.

(c) Enter original sentence (if this was reduced by the Confirming Officer or other superior authority the sentence should be entered thus :—

"2 years' rigorous imprisonment reduced by Confirming Officer to 1 year").

(d) General, District or Field General.

(e) Name and designation of authority pardoning prisoner, mitigating sentence or setting aside trial.

(f) Order to be set out in full.

(g) Signature of prescribed officer—See Rule 132.

Form D.

*Warrant for use when a sentence of transportation is reduced by superior authority to one of a shorter period of the same (Indian Air Force Act, section 116).*

*To the Superintendent*

*of the* (a) *Prison.*

Whereas (*Number, Rank, Name*) (*late*) of the Unit is confined in the (a) prison under a warrant issued by (b) in pursuance of a sentence of (c) passed upon him by a (d) Court-Martial held at on , and whereas (e) has, in the exercise of the powers conferred upon him by the Indian Air Force Act, passed the following order regarding the aforesaid sentence ; that is to say :—

(f) ______________________________

______________________________

______________________________

This is to require and authorise you to keep the said (*Name*) in your custody together with his warrant, in the said prison as by law is required until he shall be delivered over by you with the said warrant to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the said order And this is further to require and authorise you to return to me the original warrant of commitment in lieu whereof this warrant is issued. The period of such transportation will reckon from the (g) .

Given under my hand at this the day of , 19

Signature (h).

(a) Enter name of prison.

(b) Enter name or designation of officer who signed original warrant.

(c) Enter original sentence (if this was reduced by the Confirming Officer or other superior authority the sentence should be entered thus :—

"(Death reduced by Confirming Officer to transportation for life.")

(d) General, or Field General.

(e) Name and designation of authority varying the sentence.

(f) Order to be set out in full.

(g) Enter date on which *original* sentence was signed.

(h) Signature of prescribed officer.—See Rule 132.

Form E.

*Warrants for use when a sentence of rigorous or simple imprisonment is reduced by superior authority or when one of transportation is reduced to one of rigorous or simple imprisonment (Indian Air Force Act, section 116).*

*To the Superintendent*

*of the (a)* *Prison.*

Whereas (*Number, Rank, Name*) (*late*) of the Unit is confined in the (*a*) prison under a warrant issued by (*b*) in pursuance of a sentence of (*c*) passed upon him by a (*d*) Court-Martial held at on , and whereas (*e*) has, in the exercise of the powers conferred upon him by the Indian Air Force Act, passed the following order regarding the aforesaid sentence ; that is to say :—

(*f*) ____________________________________________

This is to require and authorise you to keep the said (*Name*) in your custody together with this warrant, and there to carry into execution the punishment of Rigorous/Simple Imprisonment under the said order according to aw. And this is further to require and authorise you to return to me the original warrant of commitment in lieu whereof this warrant is issued. The period of such Rigorous/Simple Imprisonment will reckon from the (*g*).

Given under my hand at this the day of , 19 .

Signature (*h*).

(*a*) Enter name of prison.

(*b*) Enter name or designation of officer who signed original warrant.

(*c*) Enter original sentence (if this was reduced by the Confirming Officer or other superior authority the sentence should be entered thus :—

" 2 years' rigorous imprisonment reduced by Confirming Officer to 1 year ").

(*d*) General, District or Field General.

(*e*) Name and designation of authority varying the sentence.

(*f*) Order to be set out in full.

(*g*) Enter date on which *original* sentence was signed.

(*h*) Signature of prescribed officer.—See Rule 132.

Form F.

*Warrants for use when prisoner is to be delivered into military or air force custody (Indian Air Force Act section 116).*

*To the Superintendent*

*of the (a)* *Prison.*

Whereas (*Number, Rank, Name*) (*late*) of the Unit is confined in the (*a*) prison under a warrant issued by (*b*) in pursuance of a sentence of (*c*) passed upon him by a (*d*) Court-Martial held at on ; and whereas (*e*) has in the exercise of the powers conferred upon him by the Indian Air Force Act passed the following order regarding the aforesaid sentence, that is to say :—

(*f*) ____________________________________________

This is to require and authorise you to forthwith deliver the said (*Name*) to the officer or non-commissioned officer bringing this warrant.

Given under my hand at this the day of 19 .

Signature (*g*)

(*a*) Enter name of prison.

(*b*) Enter name or designation of officer who signed original warrant.

(*c*) Enter original sentence (if this was reduced by the Confirming Officer or other superior authority the sentence should be entered thus :—

" 2 years' rigorous imprisonment reduced by Confirming Officer to one year ").

(*d*) General, District or Field General.

(*e*) Name and designation of authority issuing order.

(*f*) Order to be set out in full.

(*g*) Signature of prescribed officer.—See Rule 132.

Form G.

*Warrant for use when prisoner sentenced to detention is to be delivered into the custody of an officer in charge of a military or air force detention barrack (Indian Air Force Act, section 116).*

*To the Officer in charge*

*of the* $\frac{\textit{Military}}{\textit{Air Force}}$ *Detention Barrack at (a)*

Whereas (*Number, Rank, Name, unit*) was on the day of 19 , convicted of (the offence to be briefly stated) by $\frac{\text{his Commanding Officer}}{\text{a (b) Court-Martial}}$ and was sentenced to undergo detention for (sentence to be entered in full but without signature)

and whereas the said sentence has been duly confirmed by (c) as required by law (d)

This is to require and authorise you to receive (*Name*) into your custody together with this warrant, and there carry the aforesaid sentence of detention into execution according to law. The sentence has effect from the (e)

Given under my hand at this the day of 19 .

Signature (*f*).

---

(*a*) Enter place.

(*b*) General, District or Field General.

(*c*) Enter name and description of confirming authority or in the case of an award by Commanding Officer delete this portion.

(*d*) Add, if necessary, " with a remission of ".

(*e*) Enter date on which the original sentence was signed.

(*f*) Signature of Commanding Officer or prisoner or other prescribed officer.—See Rule 131.

G. R. F. TOTTENHAM,
Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Simla, the 25th April 1933.

**No. M.-1265.**—In exercise of the powers conferred by section 29 of the Indian Mines Act, 1923 (IV of 1923) the Governor General in Council is pleased to direct that the following amendments, having been previously published as required by sub-section (1) of section 31 of the said Act, shall be made in the Indian Coal Mines Regulations, 1926, namely :—

In the said Regulations—

1. After sub-regulation (*3*) of regulation 3, the following sub-regulation shall be inserted, namely :—

" (*4*) On or before the first day of March in each year the owner, agent or manager of every mine shall forward to the Chief Inspector in duplicate a return in Form II-A, duly filled in. The figures given in the return shall relate to that day on which the number of persons attending work was highest during such week in February of that year as is selected in advance by the Chief Inspector. "

2. In the schedule, after Form II, the following Form shall be inserted, namely :—

" FORM II-A.

[ SEE REGULATION 3 (*4*). ]

Week selected by the Chief Inspector February ____________ to ____________ 19 .

Day to which this return relates February ____________________ 19 .

PART I.

Total number of persons attending work on the day shown above.

| *Classification.* | *No. of persons.* |
|---|---|
| A.—*Underground* (*i.e.*, in places lying beneath the superjacent ground). | |
| I. Males. | |
| II. Females. | |
| B.—*Open workings* [ *i.e.*, in workings of the mine (including quarries) which are not situated beneath the superjacent ground ]. | |
| I. Males. | |
| II. Females. | |
| C.—*Surface* (*i.e.*, not in the workings of the mine, including all subordinate officials and persons employed on sidings, loading wharves, private railways and surface tramways and also in carting). | |
| I. Males. | |
| II. Females. | |

PART II.

Total number of persons who ordinarily work in the mine but were prevented by sickness or other cause from attending work on the day shown above.

*Classification.* *No. of persons.*

A.—*Underground* (*i.e.*, in places lying beneath the superjacent ground).

I. Males.

II. Females.

B.—*Open workings* [ *i. e.*, in workings of the mine (including quarries) which are not situated beneath the superjacent ground ].

I. Males.

II. Females.

C.—*Surface* (*i.e.*, not in the workings of the mine, including all subordinate officials and persons employed on sidings, loading wharves, private railways and surface tramways and also in carting).

I. Males.

II. Females.

I certify that the total number of persons attending work was not higher on any other day of the week selected by the Chief Inspector.

______________________,
Owner, agent or manager.

Dated the ______________ 19 .

NOTE.—Where persons are employed in both underground and open workings, the figures relating to them should be included under section A :—

Name of Mine.

Name of Owner.

Postal address of Owner.

Signature of Owner, Agent or Manager.

Date ."

A. G. CLOW,
Joint Secretary to the Government of India.

215 CS—778—12-5-33—SGPP Lahore.

Registered No. L. 864.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, MAY 26, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, MAY 6, 1933.

### FINANCE DEPARTMENT.

NOTIFICATION.

Simla, the 2nd May 1933.

**No. F. 26-II-R. II/33.**—The following Resolution by the Secretary of State for India in Council is published for general information :—

RESOLUTION.

In exercise of the powers conferred by sub-section (2) of section 96-B of the Government of India Act, the Secretary of State, with the concurrence of the majority of the votes at a meeting of the Council of India held this 28th day March 1933, hereby makes the following amendments in the Indian Civil Service Provident Fund Rules, namely :—

In rule 12 of the said rules, for sub-rule (4) the following shall be substituted, namely :—

"(4) The rate of interest shall be liable to revision on the 1st April of each year without notice."

J. B. TAYLOR,

Offg. Secretary to the Government of India.



PGG

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.

CUSTOMS.

Simla, the 6th May 1933.

**No. 24.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to prohibit the bringing into British India of any copy of (*a*) the book entitled "Gandhi *versus* the Empire" by Haridas T. Mazumdar, published by the Universal Publishing Company, New York, United States of Amercia, or (*b*) any translation, reprint or other document containing substantial reproductions of the matter contained in the said book.

G. S. HARDY,

Joint Secertary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

AGRICULTURE.

Simla, the 3rd May 1933.

**No. F. 24/33.**—In consequence of vacancies caused by the retirement of nominated members, with effect from the 1st April 1933, the following have been nominated to be members of the Indian Central Cotton Committee, Bombay :—

*By the Government of the Central Provinces.*

Mr. N. M. Deshmukh, M.A. (Cantab.), Bar.-at-Law, Nagpur, and Mr. Janrao Bajirao Deshmukh, Shirala, District Amraoti, Berar, to represent the cotton growing industry in the Central Provinces and Berar.

Rao Bahadur G. R. Kothare, M.L.C., to represent the cotton manufacturing or cotton ginning industry in the Central Provinces.

*By the Government of the Punjab.*

Sardar Sampuran Singh, M.L.C., to represent the cotton growing industry in the Punjab.

*By the Government of His Exalted Highness the Nizam.*

Mr. B. A. Collins, C.I.E., I.C.S., to represent the Hyderabad State.

RAM CHANDRA,

Joint Secretary to the Government of India.

No. F.-451/33-Judl.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

Simla, the 1st May 1933.

RESOLUTION.

In exercise of the power conferred by sub-section (2) of section 30 of the Government of India Act, the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Resolution of the Government of India in the Home Department, Nos. 713—734 (Judicial), dated the 2nd June 1913, relating to the execution of deeds, contracts and other instruments on behalf of His Majesty's Secretary of State for India in Council, namely :—

I. In part B of the said Resolution under Head I—

(1) In the entry in the second column relating to items 1 to 10, the words "Deputy Chief Engineer, North-West Frontier Province" shall be omitted.

(2) After item 12 the following item shall be inserted, namely :—

| | | |
|---|---|---|
| " 13. | Agreements for taking a supply of electric energy and water from a municipality, company local body or other private agency for military buildings when the annual payment in the case of each station does not exceed Rs. 1,0 0 and the payment of security deposit is not involved. | By the Commander, Royal Engineers." |

(3) Items 13 and 14 shall be renumbered 14 and 15 respectively and in the entry in the first column relating to item 15 as renumbered for the figures and word " 1 to 13 " the figures and word " 1 to 14 " shall be substituted.

II. In part F of the said Resolution the entries in the second column relating to items 7 and 8 after the words " Chief Engineers " the words " Deputy Chief Engineers" shall be inserted.

ORDER—Ordered that the above Resolution be communicated to all local Governments and Administrations including Baluchistan, the several Departments of the Government of India including the Central Board of Revenue, and to the Solicitor to the Government of Bengal, for information and guidance [ with reference to their Office memoranda, Nos 46431/2 (E.-4) and 47059/1/E.-5-B., dated the 4th and 10th April 1933, respectively,] and Office memarandum, No. 54-F.-19, dated the 1st April 1933 that it be also published in the Supplement to the *Gazette of India.*

T. SLOAN,

Joint Secretary to the Government of India.

[ ] To Army Department / Railway Department only.

FROM THE GAZETTE OF INDIA, SIMLA, SATURDAY, MAY 13, 1933.

## HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENT.

Simla, the 10th May 1933.

**No. F. 224/33.**—In the Home Department notification No. F. 224/32-Ests., dated the 4th February 1933, regarding the grant of an extension of leave on half average pay to His Excellency Sir Herbert Emerson, K.C.S.I., C.I.E., C.B.E., I.C.S., *for* the words " four months " *read* " three months and 12 days ".

M. G. HALLETT,

Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

Simla, the 10th May 1933.

**No. 249-I.**—In pursuance of the First Schedule to the Indian Extradition Act, 1903 (XV of 1903) and in supersession of the notification of the Government of India in the Foreign and Political Department, No. 405-I, dated the 20th June 1928, the Governor-General in Council is pleased to declare the following units of the Indian State Forces to be units desertion from which is an extradition offence, namely :—

*Bahawalpur.*

His Highness the Nawab's Bahawalpur own Body Guard Lancers.

1st Bahawalpur Sadiq Infantry.

2nd Bahawalpur Haroon Infantry.

*Chamba.*

Chamba Infantry.

Chamba Body Guard.

*Faridkot.*

Faridkot Sappers.

Faridkot Body Guard.

Faridkot State Infantry.

*Jind.*

Jind Body Guard.

Jind Infantry.

Jind (2nd Line) Infantry.

*Kapurthala.*

Kapurthala Jagatjit Infantry.

Kapurthala Body Guard.

Kapurthala Paramjit Infantry.

*Kashmir.*

1st Jammu and Kashmir Mountain Battery.

2nd Jammu and Kashmir Mountain Battery.

3rd Jammu and Kashmir Mountain Battery.

1st Jammu and Kashmir Infantry.

2nd Jammu and Kashmir Rifles.

3rd Jammu and Kashmir Rifles.

4th Jammu and Kashmir Infantry.

5th Jammu and Kashmir Light Infantry Battalion.

6th Jammu and Kashmir Infantry.

7th Jammu and Kashmir Infantry.

Jammu and Kashmir Training Battalion.

Jammu and Kashmir Army Training School.

Jammu and Kashmir Body Guard Cavalry.

Jammu and Kashmir Military Transport.

*Loharu.*

Loharu State Infantry.

Loharu State Camel Transport.

*Malerkotla.*

Malerkota Lancers (Body Guard).

Malerkotla Infantry.

Malerkotla Sappers.

*Mandi.*

Mandi His Highness' Body Guard.

Mandi Joginder Sappers and Miners.

Mandi Palace Guard.

*Nabha.*

Nabha Akal Infantry.

*Patiala.*

1st Patiala Rajindra Lancers.

2nd Patiala Lancers.

1st Patiala Infantry (Rajindra Sikhs).

2nd Patiala Infantry.

3rd Patiala Infantry.

4th Patiala Infantry.

"A" Battery, Patiala Horse Artillery.

"B" Battery, Patiala Horse Artillery.

The Patiala Transport Train.

C. C. WATSON,

Political Secretary to the Government of India.

## FINANCE DEPARTMENT.

NOTIFICATIONS.

Simla, the 9th May 1933.

**No. F. 2-XXIII-R. II/32.**—The following resolution by the Secretary of State for India in Council is published for general information ;—

In exercise of the powers conferred by sub-section (2) of section 96-B of the Government of India Act, the Secretary of State for India, with the concurrence of the majority of votes at a meeting of the Council of India held this 28th day of March, 1933, hereby makes the following amendments to the Civil Pensions (Commutation) Rules, namely :—

I. In Rule 6 of the said Rules, in clause (3) for the words "Local Government" the words "sanctioning authority" shall be substituted ;

II. At the end of Rule 7 of the said Rules the following words shall be inserted, namely :—

"In the event of the table of present values applicable to an applicant having been modified between the date of administrative sanction to commutation and the date on which commutation is due to become absolute payment shall be made in accordance with the modified table, but it shall be open to the applicant if the modified table is less favourable to him than that previously in force to withdraw his application by notice in writing despatched within 14 days of the date on which he receives notice of the modification."

**No. F. 10-III-R. II/33.**—The following Resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section 2 of section 96-B of the Government of India Act, the Secretary of State with the concurrence of a majority of votes at a meeting of the Council of India held this 28th day of March, 1933, hereby resolves that the amendments to clause (*vii*) of sub-rule (*c*) of Fundamental Rule 56 which were made by Resolution in Council of the 1st November, 1932, shall have effect from the 1st April 1930.

RESOLUTION.

The 9th May 1933.

**No. F. 2-XXIII-R. II/32.**—The Governor-General in Council is pleased to make the following amendment in the regulations governing procedure for the commutation of pensions promulgated with the Finance Department Resolution No. F. 2-XVI-R. II/30' dated the 29th December, 1930, namely :—

The words " The table of present values on the basis of which the calculations in the Account Officer's report have been made, is subject to alteration at any time without notice, and consequently they are liable to revision before payment is made" occurring in paragraph 1 of Part II of the Form B appended to the Regulations governing procedure for the commutation of pensions, shall be omitted.

J. B. TAYLOR,
Offg. Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATIONS.

CUSTOMS.

Simla, the 13th May 1933.

**No. 25.**—In exercise of the powers conferred by section 5 of the Motor Spirit (Duties) Act, 1917 (II of 1917), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Motor Spirit (Duties) Order, 1917, namely :—

In clause 11-A of the said Order—

(I) For sub-clause (3), the following sub-clause shall be substituted, namely :—

" (3) After the motor spirit has been shipped in accordance with the conditions or arrangements prescribed, the original application in form E shall be forwarded direct to the Customs Collector at the Customs Port to which the motor spirit has been shipped, the duplicate being handed over to the shipper. The Customs Collector shall issue a certificate in form D, set out in the Schedule to this order and such certificate shall be dealt with in the manner prescribed in clause 10."

(II) In sub-clause (5) for the words and letter " one copy of the application in Form E and return such copy " the words and letter " the original application in Form E and return it " shall be substituted.

G. S. HARDY,
Joint Secretary to the Government of India.

INCOME-TAX.

The 13th May 1933.

**No. 23.**—In exercise of the powers conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Finance Department (Central Revenues), No. 14-Income-tax, dated the 2nd April, 1932, namely :—

To paragraph (2) of the said notification the following proviso shall be added, namely :—

" Provided that where any person is entitled to a further relief in British India on that part of his income on which relief is admissible under the Ceylon Income-tax law on account of its having been also taxed in some other country besides Ceylon, the relief in respect of the Ceylon tax shall not exceed the difference between half the Indian Income-tax and such further relief as may have been granted in British India owing to that part of his income having been taxed in some other country besides Ceylon. "

A. H. LLOYD,
Joint Secretary to the Government of India.

## ARMY DEPARTMENT.

Simla, the 13th May 1933.

**No. 273.**—The following appointment is made :—

*The Punjab Rifles.*

*To be Lt.-Col.*

Donald James Boyd, C.I.E., I.C.S. Dated 13th April 1933.

G. R. F. TOTTENHAM,

Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

RESOLUTIONS.

The 9th May 1933.

**No. M.-75.**—The Governor-General in Council, with the sanction of His Majesty's Secretary of State for India in Council, is pleased to direct that the following further amendments shall be made in the rules regulating the grant by local Governments of licenses to prospect for minerals and of mining leases in British India, published with the resolution of the Government of India in the Department of Commerce and Industry No. 7552-7581-121, dated the 15th September 1913, as subsequently amended :—

1. In rule 30—

(1) After clause (*viii*) the following clause shall be inserted, namely :—

" (*ix*) The Government shall at all times have the right of pre-emption of the minerals lying upon the land in respect of which the license has been granted or elsewhere under the control of the licensee, provided that the fair market price shall be paid to the licensee for all minerals taken in pre-emption."

(2) Clause (*ix*) shall be re-numbered (*x*) and the following proviso shall be added to it, namely,—

" Provided that any dispute as regards the price to be paid for minerals taken in pre-emption by the Government from mines or lands other than those of which possession or control has been taken over by Government during war or other emergency shall be determined by two arbitrators one to be nominated by the Local Government and the other by the licensee or in case of disagreement between the arbitrators by an umpire appointed by the Local Government and the decision of such arbitrators or umpire shall be final."

2. In rule 50—

(1) After clause (*xv*), the following clause shall be inserted, namely :—

" (*xvi*) The Government shall at all times have the right of pre-emptiom of the minerals lying upon the land in respect of which the lease has been granted or elsewhere under the control of the lessee, provided that the fair market price shall be paid to the lessee for all minerals taken in pre-emption."

(2) Clause (*xvi*) shall be re-numbered (*xvii*) and the following proviso shall be added to it, namely :—

" PROVIDED that any dispute as regards the price to be paid for minerals taken in pre-emption by the Government from mines other than those of which possession or control has been taken over by Government during war or other emergency shall be determined by two arbitrators one to be nominated by the Local Government and the other by the lessee or in case of disagreement between the arbitrators by an umpire appointed by the Local Government and the decision of such arbitrators or umpire shall be final."

ORDERED that the Resolution be published in the *Gazette of India*, for general information.

The 11th May 1933.

**No. M.-75.**—The Governor-General in Council, with the sanction of His Majesty's Secretary of State for India in Council, is pleased to direct that the following further amendment shall be made in the rules regulating the grant by local Governments of licenses to prospect for minerals and of mining leases in British India, published with the resolution of the Government of India in the Department of Commerce and Industry No. 7552-7581-121, dated the 15th September, 1913, as subsequently amended :—

For the first sentence of rule 9 of the Mining Rules the following shall be substituted :—

"A certificate of approval may be renewed at the discretion of the Local Government on payment of a fee of Rs. 10 if the application for renewal is received within one month after the date of expiry of the original certificate and on payment of a fee of Rs. 50 if the application is received after one month but within three months of the date of expiry of the original certificate. No application for renewal received after three months from the expiry of a certificate shall be entertained but a fresh certificate of approval may be granted at the discretion of the local Government on payment of a fee of Rs. 50. The period of renewal of a certificate of approval has effect from the date of expiry of the original certificate or of a previous renewal as the case may be : provided that no renewal shall have retrospective effect for purposes of priority under Rules 23, 42 and 55 beyond the date on which the application for such renewal was filed."

ORDERED that the Resolution be published in the *Gazette of India* for general information.

A. C. CLOW,
Joint Secretary to the Government of India.

## NORTH WESTERN RAILWAY.

NOTIFICATIONS.

Lahore, the 1st May 1933.

**No. 34.**— Mr. R. P. Lall, Assistant Executive Engineer, is granted leave on average pay for 4 months with effect from the 1st June 1933 or subsequent date of relief.

The 3rd May 1933.

**No. 35.**—Mr, W. T. Everall, O.B.E., Deputy Chief Engineer, Bridges, is granted leave (out of India) for 5 months and 25 days, *viz.*, leave on average pay for 2 months and 22 days and on half-average pay for 3 months and 3 days with effect from 11th May, 1933, or subsequent date of relief.

G. C. HIGHET,
Agent.

## CHIEF COMMISSIONER, DELHI.

NOTIFICATIONS.

Delhi, the 3rd May 1933.

**No. 3403-Home.**—The following is published for information ;—

HIGH COURT OF JUDICATURE AT LAHORE.

NOTIFICATIONS.

Lahore, the 11th April 1933.

*No. 113-Gaz./VI. P. 433.* – In exercise of the powers conferred by section 29 of the Punjab Courts Act, 1918, as amended by Act IX of 1922, the Hon'ble Judges of the High Court of Judicature at Lahore are pleased to confer upon Lala Pars Ram, Sub-Judge, the powers of a Judge of a Court Small Causes under the Provincial Small Cause Courts Act, 1887, for the trial of suits of which the value does not exceed Rs. one hundred, such powers to be exercised within the limits of the civil district of Delhi excluding area within the jurisdiction of the Court of Small Causes, as specified in the Chief Commissioner, Delhi's Notification No. 2419-Home, dated the 3rd April 1928, and with effect from the date he assumes charge of his duties.

By order, etc.,
F. M. INNES,
Registrar.

**No. 3404-Home.**—S. Nasir Ali Shah assumed charge of the duties of J udge 1st class, Delhi, on the forenoon of the 18th April 1933.

**No. 3405-Home.**—L. Pars Ram assumed charge of the duties of Sub-Judge, 3rd class, Dehli, on the forenoon of the 11th April 1933.

Dehli, the 9th May 1933.

**No. 3486-Commerce.**—In exercise of the powers conferred on him by clause (*d*) of Section 59 of the Punjab Excise Act, 1914, as applied to the Delhi Province, the Chief Commissioner is pleased to direct that with effect from the date of this Notification, warehouse dues shall be levied at the following rates upon charas lying in bond or stored in the warehouse in supersession of the rates for charas prescribed in Notification No. 992-Commerce, dated 25th February 1924 :—

| | Rs. | A. | P. |
|---|---|---|---|
| For each package of charas, one maund or over in weight, for every month or part of a month during which it is stored .. .. .. | 0 | 2 | 0 |
| For each package less than one maund in weight .. | 0 | 1 | 0 |

Delhi, the 10th May 1933.

**No. B.-3 (4)/33-Home.**—Under the provisions of section 12 of the Code of Criminal Procedure 1898, the Chief Commissioner is pleased to appoint the following person a magistrate of the 1st class, and to confer upon him the powers of a magistrate of the 1st class in regard to cases generally to be exercised within the limits of the Delhi Province, for a period of six months with effect from the 11th May 1933 :—

Mr. Abul Hasan Khan, P.C.S. (Retired).

J. N. G. JOHNSON,

Chief Commissioner, Delhi.

FROM THE " GAZETTE OF INDIA, " SIMLA, SATURDAY, MAY 20, 1933.

## LEGISLATIVE DEPART ENT.

OTIFICATION.

Simla, the 17th May 1933.

**No. 4-III/33-P.**—The following Statute is published for general information :—

### THE ARMY AND AIR FORCE (ANNUAL) ACT, 1933.

(23 GEO. 5, C. 11.)

ARRANGEMENT OF SECTIONS.

Section.

1. Short title.
2. Army Act and Air Force Act to be in force for specified times.
3. Prices in respect of billeting.
4. Relations between Royal Air Force and Indian Air Force, and attachment o. personnel.

SCHEDULE.—Billeting Prices.

CHAPTER 11.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and the Air Force.

[13th April 1933.]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law ;

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and forty-eight thousand seven hundred, including those to be employed at the depôts in the United Kingdom for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions, other than Aden :

And whereas under the Air Force (Constitution), Act, 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of thirty-one thousand, including those employed as aforesaid, but exclusive of the numbers serving as aforesaid : 7 & 8, Geo. 5 c. 51.

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid :

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea :

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm ; yet, nevertheless, it being requisite, for the retaining all the before mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty that an exact discipline be observed and that persons belonging to the said forces who mutiny, or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow :

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and thirty three on the following days :—

(a) In Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, on the thirtieth day of April ; and

(b) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July :

BE IT THEREFORE enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lord Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Army and Air Force (Annual) Act, 1933.

Army Act, and Air Force Act to be in force for specified times.

2. (1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament, that is to say :—

(a) Within Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and thirty-three to the thirtieth day of April, one thousand nine hundred and thirty-four both inclusive ; and

(b) Elsewhere, whether within or without His Majesty's dominions from the thirty-first day of July, one thousand nine hundred and thirty-three to the thirty-first day of July, one thousand nine hundred and thirty-four, both inclusive.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

Prices in respect of billeting.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the Schedule to this Act.

AMENDMENTS OF THE AIR FORCE ACT.

4. (1) After section one hundred and eighty-four A of the Air Force Act, there shall be inserted the following section :—

Relations between Royal Air Force and Indian Air Force, and attachment of personnel.

" 184-B. When a body of the regular, reserve, or auxiliary air force and a body of an air force raised in India are serving together under such conditions as may be prescribed by regulations made by the Air Council and Governor-General of India, a member of either body shall, if it is so provided by the regulations, but subject to any exceptions or limitations specified therein, have the like powers of command over members of the other body as if he were a member of that body holding relative rank.

For the purposes of this section, the relative rank of members of different forces shall be such as may be provided by regulations made as aforesaid."

(2) In paragraph (11) of section one hundred and seventy-five and paragraph (8-A) of section one hundred and seventy-six of the Air Force Act (which sections relate to the persons subject to the Air Force Act as officers and airmen respectively) the words " India or " shall be omitted, and after the said paragraphs (11) and (8-A) respectively there shall be inserted the following paragraphs :—

" (11-A). All officers belonging to an air force raised in India, when attached to or doing duty with any portion of the regular, reserve, or auxiliary air force outside India, subject, however, to such exceptions as may be prescribed by regulations made by the Air Council and the Governor-General of India."

" (8-B). All non-commissioned officers and men belonging to a force raised in India, when attached to, or otherwise acting as part of, or with, any portion of the regular, reserve, or auxiliary air force outside India, subject, however, to such exceptions as may be prescribed by regulations made by the Air Council and the Governor-General of India."

(3) In section one hundred and seventy-seven of the Air Force Act (which relates to persons belonging to Indian and Colonial forces) for the words from " This section shall not apply " to the end of the section there shall be substituted the following proviso :—

" Provided that—

(i) this section shall not apply to any officer, non-commissioned officer or man of or belonging to any such force who is for the time being subject to this A t by virtue of paragraph ( 11 ) or paragraph (11-A) of section one hundred and seventy-five or paragraph (8-A) or paragraph (8-B of section one hundred and seventy-six of this Act ; and

(ii) powers of command, when forces are serving together, shall, so far as provision in that behalf is made by regulations under section one hundred and eighty-four B of this Act, be determined by those regulations."

(4) In paragraph (4) of section one hundred and ninety of the Air Force Act (which paragraph defines the expression " officer"), after the words " (d) any officer of a Dominion force " there shall be inserted the words " or of a force raised in India."

(5) Notwithstanding anything in section fifteen of the Army and Air Force (Annual) Act, 1932, this section shall come into operation in all places on the thirtieth day of April, one thousand nine hundred and thirty-three.

22 & 23 Geo. 5. c. 22.

Section 3

SCHEDULE.

PRICES IN RESPECT OF BILLETING.

| Accommodation to be provided. | Maximum price. |
|---|---|
| Lodging and attendance for a soldier where meals furnished .. | Tenpence a night for the first soldier and eightpence a night for each additional soldier. |
| Breakfast as specified in Part I, of the Second Schedule to the Army Act. | Sevenpence each. |
| Dinner as so specified .. .. .. | Tenpence. |
| Supper as so specified .. .. .. .. | Fourpence. |
| Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat. | Tenpence a night for the first soldier and eightpence a night for each additional soldier. |
| Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw a day for each horse. | Two shillings and three pence a day. |
| Stable room without forage .. .. .. .. | Sixpence a day. |
| Lodging and attendance for an officer .. .. | Three shillings a night. |

*Note.*—An officer shall pay for his food.

In the application of this Schedule to the Air Force, references to the Air Force Act and to an airman shall be substituted for references to the Army Act and to a soldier.

L. GRAHAM,

Secretary to the Government of India.

## HOME DEPARTMENT.

NOTIFICATION.

POLICE.

Simla, the 18th May 1933.

**No. F. 123/I/33.**—In the Home Department notification No. F.-717/22-Police, dated the 22nd May 1924, as subsequently amended prescribing the uniform to be worn by officers of the Indian Police, in the description of the badges of rank the following further amendments shall be made, namely,

(*i*) For the entry "Superintendent with 15 years' completed service in the Indian Police" the following shall be substituted, namely "Superintendent in receipt of basic pay of Rs. 950 a month and over, provided that a Superintendent promoted from the provincial police service shall be entitled to wear a crown from the date the directly recruited officer of the Indian Police next below him on the provincial cadre becomes entitled to wear the same."

(*ii*) For the entry "Superintendent (whether substantive or officiating) with less than 15 years' completed service in the Indian Police" the following entry shall be substituted, namely, "Superintendent (whether substantive or officiating) in receipt of basic pay of less than Rs. 950 a month."

2. The Home Department notification No. F.-123/1/31-Police, dated the 5th December 1932, is hereby cancelled.

M. G. HALLETT,

Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

Simla, the 16th May 1933.

**No. 270-I.**—With reference to the provisions of Section 79 of the Indian Evidence Act, 1872 (I of 1872), the Governor-General in Council is pleased hereby to declare that the following officers in the Nabha State are duly authorised during the pendency of the present minority administration to certify documents for the purpose of the said section, namely :—

(1) Sessions Judge, Nabha,
(2) Nazim of Amloh.

C. C. WATSON,

Political Secretary to the Government of India.

## FINANCE DEPARTMENT.

NOTIFICATIONS.

Simla, the 15th May 1933.

**No. F. 2 XI-R II/33.**—The following Resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by Sub-section (2) of Section 96-B. of the Government of India Act, the Secretary of State for India, with the concurrence of the majority of votes at a meeting of the Council of India held this 28th day of February, 1933, hereby makes the following amendment in the Civil Pensions (Commutation) Rules, namely :—

In the Appendix to the said Rules under the heading "All-India Services" for the words "Indian Police Service" the words "Indian Police" shall be substituted.

**No. F. 11 (9)-R. I/33.**—The following Resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by Sub-section (2) of Section 96-B. of the Government of India Act the Secretary of State for India, with the concurrence of the majority of votes at a meeting of the Council of India held this 28th day of February, 1933, hereby makes the following amendment in the Fundamental Rules, namely :—

In the said Rules for the words "Indian Police Service" wherever they occur the words "Indian Police" shall be substituted.

**No. F. 29-II-R. II/33.**—The following Resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by Sub-section (2) of Section 96-B. of the Government of India Act, the Secretary of State for India, with the concurrence of the majority of votes at a meeting of the Council of India held this 28th day of February, 1933, hereby makes the following amendment in the Superior Services (India) Family Pension Fund Rules, namely :—

In the First Schedule to the said Rules for the words "Indian Police Service" the words "Indian Police" shall be substituted.

The 17th May 1933.

**No. F. 2-XXIII-R. II/32.**—In exercise of the powers conferred by rules 33 (2) 37, 42 and 44 (d) of the Civil Services (Classification, Control and Appeal) Rules, 1930, the Governor-General in Council is pleased to make the following amendments in the Civil Pensions (Commutation) Rules, namely :—

I. In Rule 6 of the said Rules, in clause (3) for the words "Local Government" the words "sanctioning authority" shall be substituted.

II. At the end of Rule 7 of the said Rules the following words shall be inserted, namely :—

"In the event of the table of present values applicable to an applicant having been modified between the date of administrative sanction to commutation and the date on which commutation is due to become absolute payment shall be made in accordance with the modified table, but it shall be open to the applicant if the modified table is less favourable to him than that previously in force to withdraw his application by notice in writing despatched within 14 days of the date on which he receives notice of the modification."

J. B. TAYLOR,

Offg. Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATIONS.

CUSTOMS.

Simla, the 20th May 1933.

**No. 26.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to prohibit the bringing by sea or by land into British India, except by or on behalf of Government, of appliances (including pistols, pistol-pens, pistol pencils, hand grenades, cartridges, etc.) for discharging gas.

**No. 27.**—In exercise of the powers conferred by section 13 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Finance Department (Central Revenues), No. 102-Customs, dated the 15th October 1927, namely:—

In the said notification after the word "Kathiawar" the words "and Cambay" shall be inserted.

**No. 28.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased, with effect from 26th May 1933, to restrict the taking of tea, including green tea, by sea to any place outside India or by land to the French and Portuguese settlement in India, to consignments covered by licenses issued by the authority and in the manner prescribed by the Governor-General in Council.

Provided that the aforesaid restriction shall not apply to Burmese pickled tea or to tea—

(*a*) proved to the satisfaction of the Customs Collector to have been imported into British India from a foreign port, or

(*b*) shipped as stores on board any vessel in such quantity as the Customs Collector considers reasonable with reference to the numbers of the crew and passengers and to the length of the voyage on which the vessel is about to depart, or

(*c*) exported by parcel post.

**No. 29.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased, with effect from the 26th May 1933, to prohibit the export of tea seed by sea or land from British India.

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## RESOLUTION.

### CUSTOMS.

The 20th May 1933.

**No. 30.**—For the purposes of the notification No. 28-Customs, dated the 20th May 1933, the following instructions issued by the Governor-General in Council appointing the licensing authority and laying down the conditions for the grant of export licenses for tea are published for general information.

1. The licensing authority shall be a Committee, hereinafter referred to as the Licensing Committee, representative of the tea growing industry in India and shall be constituted as follows:—

One nominee of each of the following associations:—

The Indian Tea Association, Calcutta.

The Assam Branch of the Indian Tea Association.

The Surma Valley Branch of the Indian Tea Association.

The Dooars Planters Association.

The Indian Planters Association, Jalpaiguri and Tarai.

One nominee of the Darjeeling and the Tarai Planters Association.

One representative of Indian tea growing interests in the Assam Valley nominated by the Government of Assam.

One representative of Indian tea growing interests in the Surma Valley nominated by the Government of Assam.

One nominee of the United Planters Association of Southern India, representing British Indian tea estates.

One nominee of the United Planters Association of Southern India representing tea states in Indian States.

One nominee representing Indian tea estates in South India nominated by the Government of Madras.

2. The Licensing Committee shall elect a Chairman and may appoint such sub-committees and executive officers as may be necessary for the efficient performance of the duties entrusted to it.

3. The Licensing Committee shall maintain Offices in Calcutta and Coonoor for the transaction of its business and may open offices in other localities should necessity arise.

4. The Licensing Committee shall maintain a record of the yearly export quota allotted to each tea estate as determined in the manner hereafter mentioned and shall also maintain an account of all licenses issued against such quotas.

NOTE.—For the purposes of these rules a year is the period from the 1st day of April to the 31st day of March next succeeding.

5. The total yearly Indian export allotment shall be such percentage of the standard Indian export as is agreed upon by the representative committee of the Indian, Ceylon and Netherlands East Indies producers for each year of regulation and approved by the Government of India. The quantity which may be exported by sea, hereinafter called the overseas export allotment, shall bear the same ratio to India's total allotment as the standard export by sea bears to the total Indian standard export. The Licensing Committee shall not in any one year issue licenses for the export of tea in excess of this quantity.

NOTE—The standard export is the maximum quantity exported in any one of the three years, 1929, 1930, 1931.

6. In accordance with the agreement reached by the majority of tea growers in India on the referendum issued by the Indian Tea Association and the South Indian associations, the yearly quota for each estate shall be based on the accepted maximum production of that estate in any one of the four years, 1929, 1930, 1931 and 1932, allowance being made for young tea. This maximum is termed the 'crop basis.' The yearly quota shall bear the same ratio to the crop basis of the estate as the total overseas export allotment bears to the total Indian crop basis. Export rights created by the allocation of a quota shall be transferable.

7. Estates which have made no return of their crop basis in answer to the referendum shall be allotted a quota calculated in the manner described in the preceding rule on production of authenticated evidence of their maximum production in any one of the years, 1929, 1930, 1931, 1932.

8. On application by a tea producer or by an exporter to whom export rights have been transferred by a producer, the Licensing Committee or the Officer empowered by it in that behalf shall issue an export license covering the quantity proposed to be exported, provided that the unexhausted quota standing in the name of the producer desiring to export or by whom the export rights have been transferred is sufficient to cover such quantity.

9. On production of a valid license in duplicate to the Customs Collector at the place of export, the Customs Collector may permit shipment of the quantity of tea covered by the license.

10. Each license shall bear the date of issue and shall be valid up to the 31st day of March next succeeding that date, provided that licenses against which shipments have not been effected prior to 31st March in any year may be exchanged not later than 14 days from the date of expiry for a special license which will be valid up to the 30th day of June next succeeding. Special licenses shall be accounted for against the export allotment of the year in which the original license was issued.

11. The records of the Licensing Committee shall be open at any time to inspection by any Officer appointed in that behalf by the Governor-General in Council.

12. The powers hereby conferred on the Licensing Committee shall be exercised subject to the orders of the Governor-General in Council who may revise any decision of the Committee.

13. Notwithstanding anything contained in the foregoing instructions the Licensing Committee shall not, for the year ending 31st March 1934, issue licenses for a quantity in excess of the overseas export allotment for that year less such quantity as has been exported after 31st March 1933 and before 26th May 1933 and the export quota of any estate for the years ending 31st March 1934 shall be inclusive of any quantity exported after 31st March 1933 and before 26th May 1933.

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ORDERED that the above Resolution be published in the *Gazette of India*.

G. S. HARDY,

Joint Secretary to the Government of India.

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## DEPARTMENT OF INDUSTRIES AND LABOUR.

### RESOLUTION.

The 15th May 1933.

**No. L.-1537.**—In pursuance of Article 389 of the Treaty of Versailles, the Government of India hereby nominate the following gentlemen to represent the Government of India, the employers and the workers respectively at the Seventeenth Session of the International Labour Conference, which will open at Geneva on the 8th June 1933.

*Government Delegates.*

1. Sir Atul Chatterjee, G.C.I.E., K.C.S.I., Member, Council of India, London.

2. Mr. J. F. Gennings, Barrister-at-Law, Director of Information and Labour Intelligence, Labour Office, Bombay (on leave).

*Advisers to the Government Delegates.*

1. Mr. A. Dibdin, India Office, London.

2. Mr. K. R. Menon, I.C.S., Secretary to the High Commissioner for India, London.

*Employers' Delegate.*

The Hon'ble Sir Phiroze C. Sethna, Kt. O.B.E., Member, Council of State, India.

*Workers' Delegate.*

Mr. Aftab Ali, General Secretary, Indian Seamen's Union, Calcutta.

Mr. Menon will also act as Secretary to the delegation.

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ORDERED that this Resolution be published in the *Gazette of India*.

A. G. CLOW,

Joint Secretary to the Government of India.

290 CS—790—26-5-33—SGPP Lahore.

[illegible]

Ordered that the above Resolution be published in the *Gazette of India*.

G. S. HARDY,

Joint Secretary to the Government of India.

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## DEPARTMENT OF INDUSTRIES AND LABOUR

[illegible]

Registered No. L. 864

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, JUNE 2, 1933.

## PART II.

## Republications from the " Gazette of India."

FROM THE " GAZETTE OF INDIA," SIMLA, SATURDAY, MAY 13, 1933.

### ARMY DEPARTMENT.

Simla, the 13th May 1933.

RESOLUTION.

**No. 288.**—The Governor General in Council hereby makes the following rules for the regulation of admission to the Indian Military Academy by examination in India which will be held in October 1933.

RULES.

1. (*i*) A candidate who desires to be examined in India shall apply to be admitted to the examination before such date and in such form as the Governor General in Council may prescribe. The application shall be made to the proper authority of the area in which his parents reside at the time of the application, or of an area in which they have previously resided for a period of not less than three years, or in which he has himself resided, otherwise than as a student at an educational institution only, for a like period.

(*ii*) The proper authority for a Governor's Province shall be the Local Government; for Coorg, Delhi or Ajmer-Merwara, the Chief Commissioner ; and for a State in India the Political Officer or Agent, who shall be addressed through the Durbar. Provided that



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the proper authority for candidates who are cadets of the Prince of Wales's Royal Indian Military College, Dehra Dun, shall be the Principal of the College.

(*iii*) Applications from candidates in British India (other than cadets of the Prince of Wales's Royal Indian Military College, Dehra Dun, who shall submit their applications to the Principal of the College direct) shall be submitted to the proper authority through the Collector or Deputy Commissioner of the candidate's district, or, in the case of Calcutta to the Commissioner of Police.

(*iv*) No candidate shall make more than one application in respect of this examination.

2. A candidate must be an unmarried man and either :—

(*a*) a British subject of Indian domicile whose father (if alive) is a British subject or a subject of a State in India, or (if dead) was at the time of his death either a British subject or a subject of a State in India or a person in the permanent service of the Crown or a person who had retired from that Service ; or

(*b*) a Ruler or a subject of a State in India in respect of whom the Governor General in Council has made a daclaration under section 96-A, of the India Act :

Provided that in the case of a British subject the requirements of this rule may be waived by the Secretary of State in Council if he is satisfied that their observance would occasion exceptional hardship, and that the candidate is so closely connected by ancestry and upbringing with His Majesty's dominions as to justify special treatment.

3. A candidate must furnish a declaration from his father or guardian, in the form prescribed, that the latter is in a position, and will be prepared to discharge the financial obligations attaching to the candidate's training at the Indian Military Academy, Dehra Dun, and that, if such candidate is selected for admission, the parent or guardian will be required to sign a declaration that :—

(*a*) if his son/ward withdraws from the Indian Military Academy, before the termination of his course, or

(*b*) if, on the termination of his course, his son/ward declines to accept a commission in the Indian Army.

*for reasons within the control of the parent/guardian or the cadet* (on which point final decision will rest with the Government of India) he will be prepared to pay the full cost which Government may have incurred on his education at the Indian Military Academy.

4. The maximum number of candidates to be admitted to the examination may, in the discretion of the Governor General in Council, be limited to such number as the Governor General in Council may decide. If a limit is imposed and the number of candidates exceeds that limit, the Public Service Commission shall select from among the applicants those who shall be admitted to the examination and shall have regard in so doing to the suitability of the applicants for employment as commissioned officers, in the Indian Army.

5. A candidate for this examination must attain the age of 18, and must not attain the age of 20, by the first day of November 1933.

6. A candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of the duties of a commissioned officer in the Indian Army. A candidate who after examination by a Medical Board is found not to satisfy these requirements will not be accepted for admission to the Academy.*

*Only successful candidates will be medically examined. Candidate are recommended to consult a Civil Surgeon as to their physical suitability before entering for the examination.

7. A candidate must satisfy the Public Service Commission that he is suitable in all respects for employment as a commissioned officer in the Indian Army.

8. No candidate shall be admitted to the exmination unless he holds a certificate of admission from the Public Service Commission.

9. No recommendations except those invited in the form of application will be taken into consideration. Any attempt on the part of a candidate to obtain support for his application by other means may disqualify him for admission.

10. (*a*) A candidate who competed in the examination held in March/April 1933, and failed to obtain a qualifying mark, will not be allowed to compete at the examination to be held in October 1933, unless he is ineligible by age to compete at any later examination.

(*b*) No candidate who fails to obtain a qualifying mark at this examination will be allowed to compete at the next examination, unless that examination is the last at which he would be qualified by age to compete.

11. Candidates must pay the following fees :—

(*i*) Rs. 7-8-0 with the application form,

(*ii*) if accepted for admission to the examination, Rs. 50 immediately after the receipt of the certificate of admission.

No claim for a refund of these fees will be entertained.

12. (*i*) The examination will include the following subjects and the maximum number of marks obtainable for each subject is as follows :—

Part I. Obligatory.

| | | Max. Marks. |
|---|---|---|
| 1. | Interview .. .. .. | 500 |
| 2. | English Language .. .. .. | 300 |
| 3. | General Knowledge .. .. | 300 |
| 4. | Elementary Mathematics .. .. | 150 |

Part II. Two of these subjects, and not more, must be taken.

| | | Max. Marks. |
|---|---|---|
| (*a*) | French or German .. .. .. | 300 |
| (*b*) | Lower Mathematics .. .. .. | 300 |
| (*c*) | Higher Mathematics .. .. .. | 300 |
| (*d*) | English History from 1485 .. .. | 300 |
| (*e*) | Indian History .. .. .. | 300 |
| (*f*) | Physics .. .. .. | 300 |
| (*g*) | Chemistry .. .. .. | 300 |

Part III. Subsidiary subjects of which one, and [except as provided in clause (*ii*) below ] not more than one, must be taken :—

| | | Max. Marks. |
|---|---|---|
| (*a*) | Outlines of English History from 1485 .. | 150 |
| (*b*) | Elementary Science .. .. | 150 |
| (*c*) | Geography .. .. .. | 150 |

Part IV. Optional.

| | | |
|---|---|---|
| (*a*) | Freehand or Geometrical Drawing | 50 |

(*ii*) A candidate who offers English History in Part II may not offer English History in Part III. A candidate who offers Lower or Higher Mathematics in Part II must offer in place of Elementary Mathematics in Part I a second subsidiary subject in Part III. A candidate who offers Physics or Chemistry must satisfy the Public Service Commission that he has had suitable laboratory training totalling 80 hours for each subject taken. A candidate who takes Elementary Science in Part III may not offer Physics or Chemistry in Part II.

13. No candidate will be admitted to the Indian Military Academy who obtains less than 175 marks for Interview and Record or less than 525 marks in the other subjects taken by him in Parts I to III (these marks being 35 per cent. in each case).

14. From the marks assigned to candidates in each subject such deduction will be made as the Public Service Commission may consider necessary in order to secure that no credit is allowed for merely superficial knowledge.

15. If a candidate's handwriting is not easily legible a deduction, which may be of considerable amount, will be made on this account from the total marks otherwise accruing to him.

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ORDERED, that the Resolution be published in the *Gazette of India.*

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G. R. F. TOTTENHAM,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," SIMLA SATURDAY, MAY 27, 1933.

## HOME DEPARTMENT.

### NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 20th May 1933.

**No. F. 8/2/33.**—The following resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of section 96C of the Government of India Act, the Secretary of State for India with the concurrence of the majority of votes at a meeting of the Council of India held this 28th day of February 1933, hereby makes the following amendment in the Public Service Commission (Functions) Rules, namely :—

In Schedule I to the said Rules for the words "Indian Police Service" the words "Indian Police" shall be substituted.

**No. F. 9/1/33**—The following resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-sections (2) of section 96 B of the Government of India Act, the Secretary of State for India with the concurrence of the majority of votes at a meeting of the Council of India held this 28th day of February 1933, hereby makes the following amendment in the Civil Services (Classification, Control and Appeal) Rules, namely :—

In Schedule I to the said Rules for the words "Indian Police Service" the words "Indian Police" shall be substituted.

**No. F. 10/8/33.**—The following resolution by the Secretary of State for India in Council is published for general information ;—

In exercise of the powers conferred by sub-sections (2) and (3) of section 96 B of the Government of India Act, the Secretary of State for India with the concurrence of the majority of votes at a meeting of the Council of India held this 28th day of February 1933, hereby makes the following amendment in the Superior Civil Services Rules, namely ;—

In the said Rules for the words "Indian Police Service" wherever they occur the words "Indian Police" shall be substituted.

**No. F. 208/32.**—The following resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-sections (2) and (3) of section 96B of the Government of India Act, the Secretary of State for India with the concurrence of the majority of votes at a meeting of the Council of India held this 28th day of February 1933, hereby makes the following amendment in the Premature Retirement Rules, namely :—

In the first Schedule to the said Rules for the words "Indian Police Service" the words "Indian Police" shall be substituted.

The 22nd May 1932.

**No. F. 9/31/32.**—The following resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of section 96B of the Government of India Act, the Secretary of State, with the concurrence of the majority of votes at a meeting of the Council of India held this 1st day of November, 1932, hereby makes the following amendments in the Civil Services (Classification, Control and Appeal) Rules, namely :—

In the said Rules—

(1) for clause (c) of rule 3 the following clause shall be substituted, namely;—

"(c) persons in respect of whose conditions of service, pay and allowances, pension, discipline and conduct, or any of them, special provision has been made by agreement entered into before these rules were made or entered into thereafter in pursuance of the provisions of rule 46;"

(2) in sub-rule (1) of rule 4 for the words " ministerial or menial officer or class of officers to whom " the words " ministerial or petty officer or inferior servant, or any class of such officers or servants, to whom " shall be substituted ;

(3) Rule 29 shall be omitted, and Rules 27A and 28, shall be renumbered 28 and 29, respectively.

(4) In Rule 30, for the words and figures " Rules 28 and 29 ", the word and figure " Rule 29 " shall be substituted.

(5) In Rule 31, the words " and to those portions of the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department which are recruited outside India " shall be omitted.

(6) for Rule 32 the following rule shall be substituted, namely :—

32. (1) The strength, including both the number and character of posts, of the Indian Ecclesiastical Establishment and the Indian Political Department shall be determined by the Secretary of State in Council, or in accordance with any rules made in this behalf by the Secretary of State in Council :

Provided that, subject to the limitations specified in Rule 10, the Governor General in Council may make temporary additions to the cadres of the Indian Ecclesiastical Establishment or the Indian Political Department for the performance of any duties of a temporary character.

(2) Save as provided in sub-rule (1), the power to make rules to determine the strength, including both the number and character of posts, of the Central Services, Class I, is hereby delegated to the Governor General in Council :

Provided that any modification of cadre which would adversely affect a person appointed by the Secretary of State in Council, to any Central Service, Class I, shall require the previous sanction of the Secretary of State in Council.

(7) In sub-rule (1) of Rule 33, after the words " appointed outside India", the words and figures " before the 3rd November 1932 " shall be inserted, and after the words " Telegraphs Department " the following shall be inserted, namely :—

" and rules regulating the pensions of members of the Central Services, Class I, in respect of any period of office as Member or Temporary Member of the Executive Council of the Governor General or of a Governor,"

(8) to rule 37 the following proviso shall be added, namely :—

" Provided that rules regulating the pensions of members of such services in respect of any period of office as Member or Temporary Member of the Executive Council of the Governor General or of a Governor shall be made by the Secretary of State in Council.";

(9) for the proviso to Rule 41 the following proviso shall be substituted, namely :—

" Provided that rules regulating—

(a) the pay of members of such Services while officiating in posts borne on the cadre of an all-India Service ; or

(b) the pensions of members of such Services in respect of any period of office as a Member or Temporary Member of the Executive Council of the Governor General or of a Governor

shall be made by the Secretary of State in Council.";

(10) In the proviso to Rule 42, the words and figures " Rule 28 or " shall be omitted, and after the word and figure " Rule 29 " the following shall be inserted, namely :—

" or any member of the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department appointed by the Secretary of State in Council " shall be inserted.

(11) In Rule 43—

(a) for the words and figures " or Part VII " the words and figures " Part VII or Part XII " shall be substituted ; and

(b) in clause (a)—

(i) After the words "the Regular Army" the words "the Royal Air Force" shall be inserted;

(ii) After the word "pensions" the words "and the conduct" shall be inserted; and

(iii) at the end, the following proviso shall be added, namely :—

"Provided that nothing in this clause shall invalidate any delegation of the power to make rules which was made before these rules came into force."

(12) In sub-rule (1) of Rule 46—

(a) for the words "the foregoing rules" wherever they occur, the words "these rules" shall be substituted;

(b) after the words "required in respect of" the word "the" shall be omitted;

(c) for the words "and pension of" the words "pension, discipline and conduct with reference to" shall be substituted; and

(d) for the words "hereinbefore contained" the words "contained in these rules" shall be substituted.

(13) In Rule 48, for the proviso the following sub-rule shall be substituted, namely :—

"(3) No rule made in exercise of the power delegated by this rule shall contravene any provision contained in any rules made by the Secretary of State in Council—

(a) under clause (a) of Rule 43; or

(b) which have been declared under Rule 47 to be applicable to the Service concerned;"

(14) In Rule 57—

(a) In sub-rule (2) after the words "the Regular Army" the words "the Royal Air Force" shall be inserted.

(b) To sub-rule (5) the following proviso shall be added, namely :—

"Provided *also* that any officer holding the King's Commission on the active list of the Regular Army, the Royal Air Force, on the Royal Indian Marine may appeal to the Governor General in Council, and thereafter to the Secretary of State in Council."; and

(c) sub-rule (6) shall be omitted; and

(15) In entry 8 in Schedule II, for the word "Marine" the word "Mines" shall be substituted.

**No. F. 9/31/32-1.**—The following resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of Section 96B of the Government of India Act, the Secretary of State, with the concurrence of the majority of votes at a meeting of the Council of India held this 25th day of April 1933, hereby makes the following amendment in the Civil Services (Classification, Control and Appeal) Rules, namely :—

For sub-rule (1) of rule 83 of the said Rules the following sub-rule shall be substituted namely :—

"(1) Rules regulating the conditions of service, the pay and allowances and the pensions of officers of the Indian Ecclesiastical Establishment and the Indian Political Department, rules regulating the pensions of members of the Central Services, Class I, appointed by the Secretary of State in Council and rules regulating the pensions of members of the Central Services, Class I, in respect of any period of office as Member of Temporary Members of the Executive Council of the Governor General or of a Governor shall be made by the Secretary of State in Council.

Provided that nothing in this rule shall invalidate any delegation of the power to make rules which was made before these rules came into force."

The 25th May 1933.

**No. F.-414-13/31.**—The following Resolutions made by the Secretary of State for India in Council are published for general information :—

In exercise of the powers conferred by Section 1 of the Indian Pay (Temporary Abatement) Act, 1931, the Secretary of State for India, with the concurrence of a majority of votes at a meeting of the Council of India held this 2nd day of May 1933, hereby makes the following amendments in the Civil Services Protected Personnel (Temporary Abatement of Pay) Direction, 1931, namely—

In paragraph 2 of the said direction—

1. In sub-clause (*i*) of clause (*d*) after the words " average salary " the following words shall be added, namely—

" or leave salary as limited under Articles 316-A and 325-A ".

2. In sub-clause (*ii*) of clause (*d*) after the words " average pay " the following words shall be inserted, namely :—

" or leave on leave salary equal to average pay, the term ' average pay ' being used ".

And the said Direction shall have effect and shall be deemed always to have had effect as if it had been given as now amended.

In exercise of the powers conferred by sub-section (2) of section 96B of the Government of India Act the Secretary of State for India with the concurrence of a majority of votes at a meeting of the Council of India held this 2nd day of May 1933, hereby makes the following amendments to the Superior Civil Services (Emergency Reduction of Pay) Rules, 1931, namely :—

In Rule 2 of the said Rules—

1. In sub-clause (*i*) of clause (*d*) after the words " average salary " the following words shall be added, namely;—

" or leave salary as limited under Articles 316-A and 325-A ".

2. In sub-clause (*iii*) of clause (*d*) after the words " average pay " the following words shall be inserted, namely—

" or leave on leave salary equal to average pay, the term ' average pay ' being used ".

And the said Rules shall have effect and shall be deemed always to have had effect as if they had been enacted as so amended.

In exercise of the powers conferred by sub-section (2) of section 96 B, of the Government of India Act, the Secretary of State for India with the concurrence of a majority of votes at a meeting of the Council of India held this 2nd day of May 1933, hereby makes the following amendments to the Civil Services (Emergency Deductions from Pay) Rules, 1931, namely—

In Rule 2 of the said Rules—

1. In sub-clause (*i*) of clause (*c*) after the words " average salary " the following words shall be added, namely—

" or leave salary as limited under Articles 316-A and 325-A ".

2. In sub-clause (*ii*) of clause (*c*) after the words " average pay " the following words shall be inserted, namely—

" or leave on leave salary equal to average pay, the term ' average pay ' being used ".

And the said Rules shall have effect and shall be deemed always to have had effect as if they had been enacted as so amended.

M. G. HALLETT,

Secretary to the Government of India.

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PUBLIC.

The 25th May 1933.

**No. F. 49/9/32.**—It is hereby notified for general information that the Governor General in Council has been pleased to determine that Deputy Secretaries to local Governments shall take rank in article 55 of the Warrant of Precedence for India.

T. SLOAN,

Joint Secretary to the Government of India.

318 CS—752—2-6-33—SGPP Lahore.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, JUNE 9, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE GAZETTE OF INDIA EXTRAORDINARY, SIMLA, SATURDAY, JUNE 3, 1933

### FOREIGN AND POLITCAL DEPARTMENT

### ORDER OF THE STAR OF INDIA.

NOTIFICATION.

Simla, the 3rd June 1933.

**No. 332-S.I.**—His Excellency the Grand Master of the Most Exalted Order of the Star of India is pleased to announce that His Imperial Majesty The KING, EMPEROR OF INDIA, has been graciously pleased to make the following appointments to the said order ;—

*To be Companions.*

HUBERT CALVERT, Esquire, C.I.E., Indian Civil Service, Financial Commissioner (on leave), Punjab.

C. C. WATSON,
Secretary to the Most Exalted
Order of the Star of India.

### FOREIGN AND POLITICAL DEPARTMENT.

### ORDER OF THE INDIAN EMPIRE.

NOTIFICATION.

Simla, the 3rd June 1933.

**No. 333-I.E.**—His Excellency the Grand Master of the Most Eminent Order of the Indian Empire is pleased to announce that His Imperial Majesty The KING, EMPEROR

OF INDIA, has been graciously pleased to make the following promotions in, and appointments to, the said Order:—

*To be Knights Commander.*

THE HONOURABLE MR. JAMES ALEXANDER OSSORY FITZ PATRICK, C.I.E., C.B.E., of the Political Department, Agent to the Governor-General, Punjab States.

HERBERT PERCIVAL THOMAS, Esquire, Chief Engineer, Hydro-Electric Department, Punjab.

C. C. WASTON,

Secretary to the Most Eminent

Order of the Indian Empire.

## FOREIGN AND POLITICAL DEPARTMENT.

### ORDER OF THE BRITISH EMPIRE.

NOTIFICATION.

Simla, the 3rd June 1933.

**No. 334-H.**—His Imperial Majesty The KING, EMPEROR OF INDIA, has been graciously pleased to give orders for the following promotions in, and appointments to, the Most Excellent Order of the British Empire:—

TO BE COMMANDERS.

*Civil Division.*

JOHN THORNE MASEY BENNETT, Esq., M.C., Indian Police, Personal Assistant to the Inspector-General of Police, Punjab.

TO BE MEMBERS.

*Civil Division.*

RAI BAHADUR MALIK DEVI DAYAL, retired Deputy Superintendent of Police, Delhi City.

PIYARE LAL CHANDU LAL, Esq., Diwan, Bilaspur State, Punjab States.

JOHN RENICK MORRIS, Esq., Deputy Superintendent of Police, Punjab.

C. C. WATSON,

Political Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

### BRITISH EMPIRE MEDALS.

NOTIFICATION.

Simla, the 3rd June 1933.

**No. 335-H.**—His Imperial Majesty The KING, EMPEROR OF INDIA, has been graciously pleased to approve of the Award of the Medal of the Civil Division of the Most Excellent Order of the British Empire to the undermentioned:—

FOR MERITORIOUS SERVICE.

ADELENE EDITH, MRS. HILTON, Lady Deputy Superintendent, Female Jail, Lahore, Punjab.

S. SARDAR SINGH, Inspector of Police and Head Clerk to the Senior Superintendent of Police, Delhi.

C. C. WATSON,

Political Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

### KNIGHTHOOD.

NOTIFICATION.

Simla, the 3rd June 1933.

**No. 336-H.**—His Imperial Majesty The KING, EMPEROR OF INDIA, has been graciously pleased to confer the honour of Knighthood on :—

KHAN BAHADUR DIWAN ABDUL HAMID, C.I.E., O.B.E., Chief Minister, Kapurthala State, Punjab States.

C. C. WATSON,

Political Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

### IMPERIAL SERVICE ORDER.

NOTIFICATION.

Simla, the 3rd June 1933.

**No. 337-H.**—His Imperial Majesty The KING, EMPEROR OF INDIA, has been graciously pleased to make the following appointments to the Imperial Service Order :—

*To be Companions.*

GOTTERIED ERNEST JOHN HEAGERT, Esq., Assistant Secretary to the Government of the Punjab, Public Works Department, Buildings and Roads Branch, Punjab.

C. C. WATSON,

Political Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

### KAISAR-I-HIND MEDAL.

NOTIFICATION.

Simla, the 3rd June 1933.

**No. 338 H.**—His Excellency the Viceroy and Governor General is pleased to announce that His Imperial Majesty The KING, EMPEROR OF INDIA, has been graciously pleased to award the Kaisar-i-Hind Medal of the First Class for Public Service in India to :—

RAI BAHADUR AMAR NATH, M.B.E., Lahore, Punjab.

MISS JANET ALEXANDER, Lady Doctor, Mission Hospital, Montgomery, Punjab.

JOSEPHINE, MRS. GARBETT (wife of C. C. GARBETT, ESQ., C.M.G., C.I.E.), Punjab.

C. C. WATSON,

Political Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATIONS.

Simla, the 3rd June 1933.

**No. 341-H.**—His Excellency the Viceroy and Governor-General is pleased to confer upon Khan Bahadur Sardar Drihan Khan, Tumandar of the Drishak Tribe, Dera Ghazi Khan, Punjab, the title of Nawab, as a personal distinction.

**No. 347-H.**—His Excellency the Viceroy and Governor-General is pleased to confer the title of Sardar Bahadur, as a personal distinction, upon :—

Sardar Sahib Munshi Teja Singh, Deputy Superintendent of Police, Punjab.

Sardar Buta Singh, M.L.C., Pleader, Sheikhupura, Punjab.

Bhai Kartar Singh, Imperial Forest Service, Conservator of Forests, Chamba, Punjab States.

**No. 348-H.**—His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Bahadur, as a personal distinction, upon :—

Sardar Ghulam Haidar Khan, Tumandar of the Gurchani Tribe, Dera Ghazi Khan, Punjab.

Khan Sahib Agha Saadat Ali Khan, Superintendent of Police, Punjab.

Khan Sahib Mian Haq Nawaz, Baghbanpura, Lahore District, Punjab.

**No. 349-H.**—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Bahadur, as a personal distinction, upon :—

Lala Ram Lal, M.B.E., Director of Industries, Punjab.

**No. 351-H.**—His Excellency the Viceroy and Governor-General is pleased to confer the title of Sardar Sahib, as a personal distinction, upon :—

Sardar Mul Singh, Professor of Pharmacology and Materia Medica, Punjab Veterinary College, Lahore, Punjab.

Sardar Sohan Singh, B.A., B.T., District Inspector of Schools, Lyallpur, Punjab.

Sardar Hardayal Singh, B.A., Assistant Provincial Secretary, Boy Scouts Association, Punjab.

Sardar Abnasha Singh, Barrister-at-Law, Secretary, Legislative Council, Punjab.

**No. 352-H.**—His Excellency the Vicerory and Governor-General is pleased to confer the title of Khan Sahib, as a personal distinction, upon :—

Chaudhri Allah Ditta, Zaildar and Honorary Magistrate, Kesargarh, Lahore District, Punjab.

Chaudhri Feroz-ud-Din, Advocate, Sohan, Jhelum District, Punjab.

Chaudhri Mohammad Abdullah (2), Deputy Collector, Public Works Department, Irrigation Branch, Punjab.

Sayyad Dabir Ali, Jaffri, Tahsildar of Rohtak, Punjab.

Munshi Muhammad Afzal Makhdum, Punjab Civil Service, Additional District and Sessions Judge, Lyallpur, Punjab.

Shaikh Fazal Haque Piracha, M.L.A., Bhera, Shahpur District, Punjab.

Khan Ghulam Hussain Khan, Ramdani Leghari, Jemadar, Border Military Police, Sakhi Sarwar, Dera Ghazi Khan District, Punjab.

Mirza Badar-ud-Din, Contractor, Sanjouli, Simla, Punjab.

Shaikh Zahur-ud-Din Nizami, President, Municipal Committee, Hoshiarpur, Punjab.

Sheikh Ghulam Mohey-ud-Din, B.A., Punjab Educational Service, District Inspector of Schools, Delhi.

Munshi Manzur Ali, Taib, Proprietor, The Army Press, Simla.

Mr. Mohammed Roshan Din, Inspector of Works, North-Western Railway, Rawalpindi.

**No. 353-H.**—His Excellency the Viceroy and Governor General is pleased to confer the title of Rai Sahib, as a personal distinction, upon :—

Lala Prem Nath, Deputy Conservator of Forests, Punjab.

Lala Charan Das, Zaildar and Vice-President, Notified Area Committee, Chichawatni, Montgomery District, Punjab.

Bhagat Jagan Nath, Punjab Civil Service, District and Sessions Judge, Karnal, Punjab.

Lala Narsingh Das, Punjab Civil Service, Excise Assistant to the Financial Commissioners, Punjab.

Lala Dwarka Das Suri, Personal Assistant to the Honourable Minister for Local Self-Government, Punjab.

C. C. WATSON,

Political Secretary to the Government of India.

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FROM THE " GAZETTE OF INDIA," SIMLA, SATURDAY, JUNE 3, 1933.

## FOREIGN AND POLITICAL DEPARTMENT.

### NOTIFICATIONS.

Simla the 30th May 1933.

**No. 302-E.**—Mr. J. Kelly, Principal, Aitchison College, Lahore, is granted leave on average pay for 9 days combined with leave on half average pay for 2 years, 3 months and 19 days, with effect from the 3rd May 1933, preparatory to retirement.

**No. 305-I.**—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Foreign and Political Department, No. 486-I, dated the 3rd October 1924, namely :—

In the Second Schedule to the said notification, after entry No. 19 relating to the Indian Succession Act, 1925 (XXXIX of 1925), the following entry shall be inserted, namely :—

| | |
|---|---|
| " 20. The Indian Partnership Act, 1932 (IX of 1932), | Sub-section (3) of Section 1, Chapter VII, clause (*a*) of Section 72, the words ' in any other case ' in clause (*b*) of Section 72 and Schedule I shall be omitted ". |

**No. 306-I.**—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the following further amendment shall be made in the Schedule to the notification of the Government of India in the Foreign and Political, Department No. 487-I, dated the 3rd October 1924, namely :—

In the said Schedule—

After entry No. 29 relating to the Indian Succession Act, 1925 (XXXIX of 1925), the following entry shall be inserted, namely:—

| | |
|---|---|
| " 30. The Indian Partnership Act, 1932 (IX of 1932). | Sub section (3) of section 1, Chapter VII, clause (*a*) of Section 72, the words "in any other case ' in clause (*b*) of Section 72 and Schedule I shall be omitted. " |

**No. 309-R.**—In pursuance of clause 6 of Part IV of the First Regulations set out in the schedule to the Constitution of the Chamber of Princes, His Excellency the Viceroy is pleased to approve of the following amendments in the Rules for the election of Representative Members by the Rulers of States specified in Part IV of the Appendix to Regulation IV, being Ruling Chiefs of the Central Provinces, promulgated in the Notification by the Government of India in the Foreign and Political Department, No. 513-R., dated the 9th August 1921—

In paragraph (2) for the words " Governor of the Central Provinces; " " the Political Agent " and " the Central Provinces Gazette, " substitute the words " Agent to the Governor-General, Eastern States ; " " him " and "Part II of the Gazette of India, " respectively.

In paragraphs (3)—(6) ; (8) ; (10) ; (11) ; (13) ; (14) ; (15) ; (16) ; (19 ; (20) and (21), for the words " Political Agent, " wherever they occur, substitute the words " Agent to the Governor-General. "

In paragraph (8), for the words " the Central Provinces Gazette " substitute the words " Part II of the Gazette of India. "

For paragraph (17) substitute " The name or names of the candidate or candidates elected shall be published in Part II of the Gazette of India. "

In paragraph (18), delete the words " after making the report under rule (17). "

In the Instructions below Form (1) attached to the aforesaid notification, for the words " Political Agent ," substitute the words " Agent to the Governor-General, Eastern States. "

C. C. WATSON,

Political Secretary to the Government of India.

## FINANCE DEPARTMENT.

NOTIFICATION.

Simla, the 1st June 1933.

**No. F. 3 (3)-F.-33.**—In their notification No. F.-3(38)-F.-32, dated the 3rd January 1933, the Government of India promulgated certain revised rates for the issue of Post Office Cash Certificates which reduced the yield thereon. Since then there has been a furth r fall in money rates and they have come to the conclusion that the yield on these Certficates can now be reduced still further without endangering the popularity of this form of investment. They are accordingly pleased to direct that the amounts repayable on the Certificates of the different denominations issued on or after the 1st June 1933, should be as shown in the following table :—

| | Rs. 10. | Rs. 20. | Rs. 50. | Rs. 100. | Rs. 500. | Rs. 1,000. |
|---|---|---|---|---|---|---|
| | Rs. A. P. | Rs. A P. | Rs. A. P. | Rs. A. P. | Rs. A. P. | Rs. A. P. |
| Amount to be invested .. | 8 4 0 | 16 8 0 | 41 4 0 | 82 8 0 | 412 8 0 | 825 0 0 |
| On withdrawal at any time during first year | 8 4 0 | 16 8 0 | 41 4 0 | 82 8 0 | 412 8 9 | 825 0 0 |
| After 1 complete year from date of issue. | 8 6 0 | 16 12 0 | 41 14 0 | 83 12 0 | 418 12 0 | 837 8 0 |
| After 15 complete months.. | 8 7 0 | 16 14 0 | 42 3 0 | 84 6 0 | 421 14 0 | 843 12 0 |
| ,, 18 ,, ,, .. | 8 8 0 | 17 0 0 | 42 8 0 | 85 0 0 | 425 0 0 | 850 0 0 |
| ,, 21 ,, ,, .. | 8 9 0 | 17 2 0 | 42 13 0 | 85 10 0 | 428 2 0 | 856 4 0 |
| ,, 2 ,, years .. | 8 10 0 | 17 4 0 | 43 2 0 | 86 4 0 | 431 4 0 | 862 8 0 |
| ,, 27 ,, months.. | 8 11 6 | 17 7 0 | 43 9 6 | 87 3 0 | 435 15 0 | 871 14 0 |
| ,, 39 ,, ,, .. | 8 13 0 | 17 10 0 | 44 1 0 | 88 2 0 | 440 10 0 | 881 4 0 |
| ,, 33 ,, ,, .. | 8 14 6 | 17 13 0 | 44 8 6 | 89 1 0 | 445 5 0 | 890 10 0 |
| ,, 3 ,, years .. | 9 0 0 | 18 0 0 | 45 0 0 | 90 0 0 | 450 0 0 | 900 0 0 |
| ,, 39 ,, months.. | 9 1 6 | 18 3 0 | 45 7 6 | 90 15 0 | 454 11 0 | 909 6 0 |
| ,, 42 ,, ,, .. | 9 3 0 | 18 6 0 | 45 15 0 | 91 14 0 | 459 6 0 | 918 12 0 |
| ,, 45 ,, ,, .. | 9 4 6 | 18 9 0 | 46 6 6 | 92 13 0 | 464 1 0 | 928 2 0 |
| ,, 4 ,, years .. | 9 6 0 | 18 12 0 | 46 14 0 | 93 12 0 | 468 12 0 | 937 8 0 |
| ,, 51 ,, months.. | 9 7 6 | 18 15 0 | 47 5 6 | 94 11 0 | 473 7 0 | 946 14 0 |
| ,, 54 ,, ,, .. | 9 9 0 | 19 2 0 | 47 13 0 | 95 10 0 | 478 2 0 | 956 4 0 |
| ,, 57 ,, ,, .. | 9 10 6 | 19 5 0 | 48 4 6 | 96 9 0 | 482 13 0 | 965 10 0 |
| ,, 5 ,, years .. | 10 0 0 | 20 0 0 | 50 0 0 | 100 0 0 | 500 0 0 | 1,000 0 0 |

2. The Government of India have also decided that holders of Cash Certificates which mature (that is, complete the five-years period) on or after the 1st June 1933 and before the date from which the rates given in paragraph 1 above may again be revised, should be allowed, at their option, to hold them for a further period of five years after maturity, the amounts payable on such Certificates from time to time being as shown in the following table :—

| — | Rs. 10. | Rs. 20. | Rs. 50. | Rs. 100. | Rs. 500. | Rs. 1,000. |
|---|---|---|---|---|---|---|
| | Rs. A. P. | Rs. A. P. | Rs. A. P. | Rs. A. P. | Rs. A. P. | Rs. A. P. |
| *On withdrawal.* | | | | | | |
| After 5 complete years .. | 10 0 0 | 20 0 0 | 50 0 0 | 100 0 0 | 500 0 0 | 1,000 0 0 |
| „ 63 „ months .. | 10 1 6 | 20 3 0 | 50 7 6 | 100 15 0 | 504 11 0 | 1,009 6 0 |
| „ 66 „ „ .. | 10 3 0 | 20 6 0 | 50 15 0 | 101 14 0 | 509 6 0 | 1,018 12 0 |
| „ 69 „ „ .. | 10 4 6 | 20 9 0 | 51 6 6 | 102 13 0 | 514 1 0 | 1,028 2 0 |
| „ 6 „ years .. | 10 6 0 | 20 12 0 | 51 14 0 | 103 12 0 | 518 12 0 | 1,037 8 0 |
| „ 75 „ months .. | 10 7 9 | 20 15 6 | 52 6 9 | 104 13 6 | 524 3 6 | 1,048 7 0 |
| „ 78 „ „ .. | 10 9 6 | 21 3 0 | 52 15 6 | 105 15 0 | 529 11 0 | 1,059 6 0 |
| „ 81 „ „ .. | 10 11 3 | 21 6 6 | 53 8 3 | 107 0 6 | 535 2 6 | 1,070 5 0 |
| „ 7 „ years .. | 10 13 0 | 21 10 0 | 54 1 0 | 108 2 0 | 540 10 0 | 1,081 4 0 |
| „ 87 „ months .. | 10 14 9 | 21 13 6 | 54 9 9 | 109 3 6 | 546 1 6 | 1,092 3 0 |
| „ 90 „ „ .. | 11 0 6 | 22 1 0 | 55 2 6 | 110 5 0 | 551 9 0 | 1,103 2 0 |
| „ 93 „ „ .. | 11 2 3 | 22 4 6 | 55 11 3 | 111 6 6 | 557 0 6 | 1,114 1 0 |
| „ 8 „ years .. | 11 4 0 | 22 8 0 | 56 4 0 | 112 8 0 | 562 8 0 | 1,125 0 0 |
| „ 99 „ months .. | 11 5 9 | 22 11 6 | 56 12 9 | 113 9 6 | 567 15 6 | 1,135 15 0 |
| „ 102 „ „ .. | 11 7 6 | 22 15 0 | 57 5 6 | 114 11 0 | 573 7 0 | 1,146 14 0 |
| „ 105 „ months .. | 11 9 3 | 23 2 6 | 57 14 3 | 115 12 6 | 578 14 6 | 1,157 13 0 |
| „ 9 „ years .. | 11 11 0 | 23 6 0 | 58 7 0 | 116 14 0 | 584 6 0 | 1,168 12 0 |
| „ 111 „ months .. | 11 12 6 | 23 9 0 | 58 14 6 | 117 13 0 | 589 1 0 | 1,178 2 0 |
| „ 114 „ „ .. | 11 14 3 | 23 12 6 | 59 7 3 | 118 14 6 | 594 8 6 | 1,189 1 0 |
| „ 117 „ „ .. | 12 0 0 | 24 0 0 | 60 0 0 | 129 0 0 | 600 0 0 | 1,200 0 0 |
| „ 10 „ years .. | 12 4 0 | 24 8 0 | 61 4 0 | 122 8 0 | 612 8 0 | 1,225 0 0 |

J. B. TAYLOR,

Offg. Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

### NOTIFICATIONS.

CUSTOMS.

*Simla, the 3rd June 1933.*

**No. 32.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing by land into British India from Cutch of cotton, artificial silk and silk piece-goods, plain and mixed.

**No. 33.**—In exercise of the powers conferred by section 134 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the transhipment at any customs port of coffee the import of which is prohibited under the notification of the Government of India in the late Department of Revenue and Agriculture No. 580-240, dated the 22nd June 1922.

G. S. HARDY,

Joint Secy. to the Govt. of India.

SALT.

The 3rd June 1933.

**No. 10.**—In exercise of the powers conferred by clause (*b*) of section 7 of the Indian Salt Act, 1882 (XII of 1882), and in supersession of the notifications of the Government of India in the Finance Department (Central Revenues) Nos. 22 and 23, dated the 3rd August 1926, the Governor-General in Council is pleased to direct that the duty imposed under clause (*a*) of the said section (hereinafter described as "excise duty") on salt manufactured in the Province of Sind shall be remitted when such salt is transported by sea from Karachi to Bengal or is exported by sea from salt works in Sind to destinations outside India subject to the following rules :—

1. *Short Title.*—These rules may be called the Sind Salt Transport and Export Rules, 1933.

2. *Definitions.*—In these rules unless there is anything repugnant in the subject or context—

(1) "Collector of Salt Revenue" means the officer for the time being exercising the powers of Collector of Salt Revenue.

(2) "Commissioner" means the Commissioner in Sind.

3. *Salt how to be carried.*—Salt transported from the port of Karachi to Bengal shall be transported in steamers of not less than 1,000 tons burden, and salt exported by sea to destinations outside India shall be exported in square-rigged vessels or in steamers of not less than 300 tons burden.

4. *Excise duty how realised or secured.*—(1) Salt for transport to Calcutta may be removed from any salt work at Maurypur for shipment in bond. The transporter shall, before removal of the salt for shipment, execute a bond in the form of Appendix A appended to these rules and shall either furnish one sufficient surety or deposit Government Promissory Notes to the value of the duty on the salt to be transported *plus* such margin to cover depreciation in the value of the Promissory Notes as the Commissioner may determine.

(2) Excise duty on salt for export to places outside India shall be paid in cash or secured on the credit system prescribed by the rules issued by Government in this behalf on the whole quantity of salt removed from any salt work at Maurypur under a permit (hereinafter referred to as "the permit") granted under section 28 of the Bombay Salt Act, 1890.

5. *Removal of salt from salt works.*—(1) The salt shall be taken from the salt works either in bags or in bulk or by both these methods, for shipment direct to the Port of Karachi by the route prescribed in the permit and shall be escorted by a peon of the Salt Department from the salt works to the Bunder.

(2) The salt shall be conveyed from the Bunder to the on-carrying-vessels either direct in boats or barges or partly by road and partly by boats or barges.

(3) While the salt is being so conveyed to the on-carrying-vessels the Superintendent of Salt Revenue or the Collector of Customs may direct that the salt so conveyed shall be subject to such supervision and escort as he thinks fit. The Superintendent of Salt Revenue or the Collector of Customs may also direct such documents as he thinks proper relating to the salt which is being conveyed to be carried along with the salt. If the said salt is being conveyed partly by road, the said salt shall be liable to such check weighments at the place where it is transferred to boats and barges as the Collector of Customs may direct.

6. *Procedure to be followed before shipment.*—The salt shall be shipped under the supervision of a Customs Officer, who, after being satisfied that the contents of the boat or barge or any portion of the salt to be shipped has not been tampered with or lost by accident or otherwise during the conveyance of the said salt, shall permit shipment.

7. *Payment of fees.*—The transporter or exporter shall, if required,—

(*a*) pay fees and travelling allowances for the attendance of officers or peons supervising the shipment or escorting the salt as provided in rule 5 ;

(*b*) arrange with the master or the agents of the vessel to furnish the officers supervising the shipment with suitable accommodation and conveniences on board the ship and provide boats or other conveyance for taking Customs peons to the Bunder from which the salt is to be transported or exported.

8. *Intimation to be given in respect of shipment.*—(1) The transporter or exporter shall make an application in the form prescribed by the Commissioner to the Collector of

Customs, Karachi, and the Superintendent of Salt Revenue intimating his intention to ship salt stating—

(*i*) the quantity of salt to be shipped,

(*ii*) the name of the vessel by which and the place to which it is to be shipped,

(*iii*) the Bunder at which the salt is to be loaded in barges to be taken to the on carrying-vessel, and

(*iv*) whether the salt is to be conveyed in bulk or in bags or by both and the nature of the conveyance or transport proposed to be used.

(2) When the consignment of salt under shipment has been issued from the salt works, the officer in charge of the salt works, shall intimate the net weight of salt as ascertained under this rule to the Collector of Customs in the form of Appendix B appended to these rules.

*Explanation.*—The net weight for the purpose of this rule shall be the weight of salt as ascertained by actual weighment at the salt works less the weight as ascertained by actual weighment on rearrival at the salt works, of salt from any lighter, boat, barge or other vessel returned (*a*) from the ship's side under rule 9 or (*b*) by the master or agents of the ship for any reason or from any lighter, boat, barge or other vessel which has been aground or the contents of which have been lost or damaged by sea water or other causes :

Provided that the Commissioner may, with the previous sanction of the Central Board of Revenue, direct that such net weight shall be ascertained in accordance with a special procedure specified in that behalf.

9. *Power to order return of salt.*—Any officer of Customs or of the Salt Department, not lower in rank than a Preventive Officer or an Assistant Inspector, as the case may be, shall have the power to order the return of any lighter, boat, barge, etc., to the salt works if such officer has reason to believe that the salt brought therein has been tampered with, damaged, added to or wholly or partly lost or removed.

10. *Salt how to be stowed and where to be landed.*—The hold or holds of the vessel in which the salt is shipped shall be sealed by a Customs officer and if there is more than one shipper of salt, the salt of each shipper shall be stowed in different holds, and no other cargo shall be loaded in any hold in which the salt has been stowed, and except for the safety of the vessel no part of the consignment of salt shall be landed by the master either at his own instance or that of the transporter or exporter at any port other than that for which the consignment shall have been declared in the shipping bill by the transporter or exporter.

11. *Bond how released and duty how refunded or remitted.*—(1) The bond for transport shall be released and the amount of security deposited, if any, shall be returned on production by the transporter of a certificate from the Collector of Customs, Calcutta, as to the landing of the salt, and on payment of duty on the quantity, if any, by which the quantity shown in the certificate or certificates of shipment falls short of that removed from the salt works and on wastage, if any, in excess of 5 per cent. of the weight as ascertained under rule 8 less

(*i*) any quantity lost in respect of which the duty recoverable is wholly or partly remitted or waived,

(*ii*) any quantity in respect of which the master or the agents of the vessel being held responsible for the deficiency has paid a penalty under entry 17 in the Schedule to section 167 of the Sea Customs Act, 1878,

(*iii*) any deficiency for which the master, the agent of the vessel, or the transporter is not held responsible :

Provided that when duty is recoverable on any wastage occurring from the time of removal of salt from the salt works to the time of discharge at Calcutta, it shall be recovered in Karachi.

(2) The Excise duty, if paid in cash, shall be refunded or if secured on credit system the refund shall be made *pro forma* by placing the amount of the Excise duty to the credit of the exporter in his account in the case of export on production to the Collector of Salt Revenue of a certificate from the Collector of Customs at the port of shipment in the form of Appendix C appended to these rules.

The certificate granted by the Collector of Customs, Karachi, as to the quantity of salt shipped shall be for the quantity certified by the Inspector in charge at the salt works to have been originally issued less the quantity ascertained

by the Collector of Customs to have been short shipped and not returned to the salt works:

Provided that when duty is recoverable on any wastage occurring from the time of removal of salt from the salt works to the time the exporting vessel leaves the last port of call in British India, it shall be recovered in Karachi.

12. *Penalty for breach.*—The Commissioner may order the payment by the transporter of so much of the amount named in the bond as may be required to meet any penalties imposed on the transporter for any breach of these rules or conditions of the bond or of any enactment relating to salt and to meet the cost of doing anything for the more effective working of the regulations rules and conditions and the amount so ordered to be paid by the transporter shall be recovered from the transporter or his surety or deducted from the amount of security, if any, deposited.

13. *Discretion to Commissioner to make Exceptions.*—The Commissioner may, at his discretion, withhold the privilege of shipment under these rules in any case in which he may find sufficient reason for so doing and may at any time cancel any such privilege already granted.

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## APPENDIX 'A'.

(*See Rule 4.*)

Know all men by these presents that I (here enter name of transporter)............of....[and here enter name of surety) ........of ..........] am/[are] held and firmly bound to the Secretary of State for India in Council in the sum of ...... rupees here enter the duty on the quantity shipped) of lawful money current at Karachi to be paid to the said Secretary of State for India in Council or to his certain attorney, successors or assigns for which payment to be well and truly made I/[we] bind myself/[ourselves] my/[and each of us and each of our] heirs, executors, administrators and legal representatives firmly by these presents sealed with my/[our] seal(s) dated this .............. day of one thousand...................... hundred and ........................ Whereas the Commissioner in Sind (hereinafter called "the Commissioner") acting for and on behalf of the Secretary of State for India in Council has agreed with the said.......... ............................(hereinafter called "the transporter") to permit him to remove.. ...... ....maunds of salt now stored at the.............................. (name of salt works to be inserted here) Salt Works at Maurypur for transport under the Sind Salt Transport and Export Rules, 1933 for the transport of salt by sea sanctioned in Government of India's Notification in the Finance Department (Central Revenues) No. 10-Salt, dated 3rd June 1933 from the port of........to the port of Calcutta by one vessel or by more vessels than one leaving on different dates but to arrive at Calcutta on or before..........upon the conditions that the transporter shall *[deposit Promissory Notes to the value of]* / obtain one respectable person to become surety for him to the extent of ..............rupees (equal to the duty on the salt to be transported) for the due and faithful performance and observance by the transporter of the several acts, duties and obligations hereinafter mentioned as well as those to be performed and observed by the transporter as required by the Sind Salt Transport and Export Rules, 1933. And whereas the said *[transporter has deposited with the Commissioner Government Promissory Notes to the amount of Rs.......... ..........(Rs. .............)]* / ((name of surety) at the request of the transporter has agreed to become such surety and to enter into the above written bond or obligation and the ............................................ Commissioner has agreed to accept him as such surety))

Now the conditions of the above written bond or obligation are such that if the transporter shall receive the salt so to be transported as aforesaid from the said salt works in bags to be supplied by the transporter of which the soundness shall in case of doubt be approved by the Superintendent of Salt Revenue and into each of which shall have been placed under the supervision of Government Officers appointed for that purpose two maunds of salt and if the transporter shall cause such bags when so filled to be properly

[ ] Omit where transporter deposits Promissory Notes.

*[ ] Omit where surety is given.

stitched up to the satisfaction of such officers and to be conveyed un-opened under the escort of a peon of the Salt Department to the Bunder and from thence under Customs escort on board the vessel or vessels in which he proposes to transport such salt or if the transporter shall elect to carry uch salt in bulk instead of in bags and shall use such waggons, trucks, barges or other means of conveying salt from the Salt Works to the Bunder as the Commissioner may approve and shall weigh and fill salt into such waggons, trucks, barges or other means of conveyance, in accordance with instructions issued from time to time by the Commissioner and under the supervision of Government Officers appointed for the purpose and shall secure such waggons, trucks, barges or other means of conveyance to the satisfaction of such officers and shall on the arrival of such waggons, trucks, barges, or other means of conveyance at the Bunder but not before, open the said waggons, trucks, barges or other means of conveyance and discharge the said salt into boats or barges for conveyance to the on-car ying vessel or vessels in the presence of an officer of the Salt Department and shall on arrival of the salt alongside the vessel or vessels in which it is to be transported discharge the same into the hold of such vessel or vessels and if the transporter shall pay duty at the rate in force at the said port of shipment upon the quantity (if any) by which the salt removed from the said salt works shall exceed the quantity of salt weighed at the salt works and if the transporter shall make arrangements for and receive on board such vessel or vessels on which salt is so being laden for transport such officers and peons of the Department of Salt, Abkari and Customs Revenue, Karachi, or such other person or persons as the Commissioner shall depute to go on board such vessel or vessels and to superintend the shipment or shipments of the said salt together with one servant to each such officer or person and shall provide such officers or other persons and their respective servants with suitable accommodation on board such vessel or vessels for living and cooking and with a free supply of fire for cooking and of wholesome water to the satisfaction of the Commissioner or any officer subordinate to the Commissioner whom the Commissioner may empower to inspect such accommodation and to decide on its suitability and shall pay such sum as the Commissioner may require for the payment of the fees, and travelling allowance of supervising officers and peons and of any person who may be specially entertained by Government for superintending shipment or shipments and shall afford to and furnish such officers, peons or persons with all requisite facilities and labour for counting or weighing the said bags or checking the contents of the said waggons, trucks, barges or other means of conveyance at the Bunder as they are brought on board or alongside the said vessel or vessels or stored in or emptied into the hold thereof, as the case may be, and shall daily during the period of loading the said salt permit such officers or other persons to seal the hold of such vessel or vessels so that there may be no access thereto or egress therefrom between sunset and sunrise and shall on the completion of the loading of such vessel or vessels permit such officer of the said department or other person as may be deputed for that purpose by the Commissioner to seal the hatches of such vessel or vessels so that there may be no egress from or entrance into the hold thereof and throughout the voyage and until the arrival of such vessel or vessels at the said port of Calcutta shall keep or cause to be kept the said hatches duly sealed and unopened subject nevertheless to necessary exceptions on account of stress of weather or unseaworthiness of such vessel or vessels fire or other inevitable accident and if the transporter shall duly comply with the rules of the said department for the time being in force for the transport of salt by sea from Karachi to Calcutta, and all such rules and regulations as to the receipt, shipment and weighment of salt as the Commissioner may from time to time and at any time impose for the safety of the revenue or otherwise and if the transporter shall convey or cause to be conveyed by one vessel or by more vessels than one the said salt to the said port of Calcutta so as to arrive there on or before the day of..........one thousand..........hundred and............ and shall there permit such officer or officers as the Collector of Customs shall depute for the purpose of re-weighing the said salt either on board the said vessel or vessels before the said salt shall be landed at the said port of Calcutta or after it is landed on the wharf or within the precincts of the Custom House there or at such other suitable and convenient place as the said officer or officers so deputed shall direct, at the option of such officer or officers and shall pay to the proper officer at the said port of Calcutta all expenses of and attending such weighment or weighments by such deputed officer or officers as aforesaid including if ordered the provision of bags wherein to land such salt into each of which bags shall be placed such weight of salt as such deputed officer or officers may direct and if the transporter shall pay to each such deputed officer batta at such rate as the Collector of Customs, Calcutta, may prescribe for his services and shall pay wharfage and such other dues as may be chargeable upon all such of the said salt which may be landed from the said vessel or vessels at the said port of Calcutta and if the transporter shall within....weeks from the date of the completion of the landing of such salt produce to the Commissioner a certificate or certificates from the Collector of Customs, Calcutta, of the quantity of salt found on board the said vessel or vessels on her or their arrival at the said port of Calcutta as ascertained by weighment

there as aforesaid and declaring that the conditions hereinbefore mentioned regarding the sealing of hatches of the said vessel or vessels and the period allowed for the voyage of the said vessel or vessels to such port (saving all just exceptions as hereinbefore mentioned) have been duly complied with and if such salt shall have been carried in bulk or in bags as aforesaid in case of such certificate or certificates showing a deficiency in the quantity of the said salt landed at the said port of Calcutta as compared with the quantity as ascertained by weighment at the salt works at the said port of Karachi in excess of five percentum on the total quantity removed from the salt works if the transporter shall pay to the Commissioner upon demand duty at the rate of ........................................ rupees (duty) per maund upon the amount of such excess deficiency less any quantity lost in respect of which part or whole of the duty recoverable is remitted as a loss covered by paragraph F printed at page 139 of the Bombay Salt Manual, Volume I, or for any sufficient reason waived by higher authority as a special case and any quantity in respect of which the master or the agents of the vessel being held responsible for the deficiency have paid a penalty under entry 17 in the Schedule to section 167 of the Sea Customs Act, 1878, less any deficiency for which the master or the agents of the vessel or the transporter is not held to be responsible and further if the transporter or one of his [and the said..........................................(surety) or one of them, their or one of their] heirs, executors, administrators, or legal representatives shall in the event of the transporter failing, neglecting or refusing faithfully to perform all and singular the acts, duties and obligations hereinbefore mentioned, pay to the said Secretary of State for India in Council, his successors or assigns the said sum of rupees ............................ (the duty on the quantity shipped) or so much thereof as shall from time to time be demanded of the transporter or, any of his ((and the surety or either of them, their or any of their)) heirs, executors administrators or legal representatives by or on behalf of the said Secretary of State for India in Council, his successors or assigns, then the above written bond or obligation shall be void and of no effect {and the Government Promissory Notes deposited shall be returned, but otherwise the same shall be and remain in full force and virtue.

In witness whereof the transporter has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered by the above-named
In the presence of
((Signed, sealed and delivered by the above-named
In the presence of))

[ ] Omit where transporter deposits Promissory Notes.
{ } Omit where surety is given.

APPENDIX 'B'.
(*See Rule 8.*)

To

The Collector of Customs,
Karachi.

SIR,

I have the honour to inform you that Messrs. ................................ have removed..................maunds of salt from the.........................Salt Works at Maurypur under permit No..........., dated ...............19 , for $\frac{\text{transport}}{\text{export}}$ to ...... per S. S. " ............ ".

I have the honour to be,
SIR,
Your most obedient servant,

*Inspector-in-charge,*
*Maurypur Salt Works.*

APPENDIX 'C'.
(*See Rule 11.*)

Certified that the following quantity of salt, which has been duly manifested, has been shipped on the S. S. ".........." in hatches Nos. ..........., which have been sealed with the Customs seals and that the vessel left this port on................for.......... *via*...............

* Certified also that the Customs seals were found intact at the time of vessel's departure for.............from..............on..............

*Collector of Customs.*

* In the case of vessels proceeding *via* Customs port only.

**No. 11.**—In exercise of the powers conferred by section 2 of the Indian Salt-duties Act, 1908 (X of 1908), and with reference to the proviso to the notification of the Government of India, Finance Department (Central Revenues), No. 29, dated the 12th September 1931 the Governor General in Council is pleased to make, with effect from the 3rd June 1933, the following rules for the grant of credit for refundable Excise duty payable on salt exported by sea from the port of Karachi under the Sind Salt Transport and Export Rules, 1933:—

1. Any person desirous of obtaining credit for Excise duty on salt to be exported by sea from the port of Karachi to destinations outside India (hereinafter called "the Exporter") shall execute an agreement in the form appended to these rules, and shall also fully endorse and deposit with the Collector of Salt Revenue, Karachi (hereinafter referred to as "the Collector"), Government Promissory Notes, Post Office Cash Certificates, Treasury Loan Acknowledgments, Treasury Bills, Bombay Port Trust Bonds, Bombay Municipal Debentures, or City of Bombay Improvement Trust Bonds, War Loans and Bonds, Karachi Port Trust Bonds or Karachi Municipal Debentures as security for the due performance of such agreement. The exporter shall be entitled to the interest on the securities for the period for which the agreement is in force and the securities remain deposited with the Collector. Each agreement shall be written on stamped paper of the proper* value.

2. The exporter shall be entitled to export salt bearing duty to the amount of credit given to him as shown in the Collector's receipt for the deposit. The credit shall be fixed according to the market value of the securities, a deduction at the discretion of the Collector being made therefrom to meet the contingency of depreciation in the value of the securities during the currency of the credit.

3. An account current between the exporter and Government shall be kept by the Collector at his office in Karachi and shall be open on week days during office hours to the inspection of the exporter or his duly authorised agent who, if he so desires, may take a copy thereof.

4. The exporter shall apply in writing to the Collector for salt, stating the quantity he requires, and the salt works from which he proposes to remove salt. If the Collector agrees to comply with the requisition he shall furnish the exporter with a delivery order on the proper officer and enter the amount of Excise duty leviable on such salt to the exporter's debit in the account current.

5. On production of the certificate referred to in rule 11 of the Sind Salt Transport and Export Rules, 1933, and on the adjustment of the account in the manner contemplated by the said rule the account shall be closed, and if the exporter so wishes, the securities shall be returned to him, on his surrendering the receipt granted to him under rule 2.

6. If the exporter fails to produce the required certificate referred to in rule 5 or to adjust his credit account, within six months from the date of issue of the delivery order referred in rule 4, he shall pay interest on the amount, if any, due from him from the date following the date of expiry of the six months' period at the rate of 12 per cent. per annum and the Collector may proceed to realise the amount due for principal and interest by the sale of the exporter's securities, or such portion thereof as may be necessary to cover the amount due. Any surplus accruing on such sales shall be paid to the exporter. Any loss which may be sustained in the event of the exporter's securities not realising the sum due by him for principal and interest shall forthwith be paid by the exporter.

7. Exporters shall conform to the authorized rules at each salt work.

*Form of Agreement.*

An agreement made the          day of          one thousand nine hundred and          between the Secretary of State for India in Council of the one part and          of the other part.

The said          having fully endorsed and deposited with the Collector of Salt Revenue, Karachi, for the time being the securities hereinafter mentioned, that is to say          for securing the payment by him the said          his executors, administrators or personal representatives to the said Secretary of State, his successors or assigns of all money which shall at any time or times become due or owing from the said          his executors, administrators, or personal representatives, to the Government of India on account of refundable Excise duty on salt shipped for exportation from the port of Karachi on credit under the rules in force for the time being regulating such credit (a copy whereof is hereunto annexed) or which shall at any time or times be at the debit of the said          in his account current with the said Government in respect of such removals of salt on

*viz., at the date of issue of these rules, one rupee.

credit; it is hereby agreed between the said parties hereto, the said Secretary of State agreeing for himself, his successors and assigns and the said for himself, executors, administrators and personal representatives, that the said securities so deposited as aforesaid shall be subject and liable to all the provisions of the said rules and to such sale and appropriation of proceeds as therein provided. Further that the interest which shall accrue due on the said securities while they remain in deposit with the Collector of Salt Revenue for the time being shall be drawn by such Collector and credited in such account current as aforesaid. And lastly, that each of the said parties hereto shall and will adhere to the said rules and shall and will be bound thereby and by every stipulation and provision therein contained. In witness whereof Esquire, Collector of Salt Revenue, Karachi, has by order of the Governor General in Council set his hand and the seal of his office hereto, for and on behalf of the said Secretary of State, and the said has hereunto set his hand the day and the year first above written.

Signed by the said Collector of Salt Revenue, Karachi.
In the presence of

Signed by the said
In the presence of

**No. 12.**—*Corrigendum.*—In Finance Department (Central Revenues) notification No. 2-Salt, dated the 8th April 1933, for the word and figure "April 1933" read "October 1932."

A. H. LLOYD,

Joint Secretary to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATION.

REGISTRATION OF ACCOUNTANTS.

Simla, the 3rd June 1933.

**No. 1 (5)-T. & E. (R. A.).**—The following draft of certain amendments to the Auditor's Certificates Rules, 1932, which it is proposed to make in exercise of the powers conferred by sub-section (2) of section 144 of the Indian Companies Act, 1913 (VII of 1913), is published, as required by the said sub-section, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 3rd July 1933.

Any objection or suggestion which may be received from any person with respect to the draft before the aforesaid date will be considered by the Governor General in Council:—

*Draft amendments.*

(1) For clause (4) of rule 4 of the said Rules the following clause shall be substituted, namely:—

"(4) has been convicted by a competent court, whether within or without British India, of an offence punishable with transportation or imprisonment unless the offence of which he was convicted has been pardoned, or unless, on an application made by him the Governor General in Council has, by order in this behalf, removed the disability; or"

(2) In sub-rule (1) of rule 14 of the said Rules—

(*i*) at the end of clause (*a*) the word "or" shall be added;

(*ii*) for clause (*b*) the following clause shall be substituted, namely:—

"(*b*) who is found to have been subject at the time of his enrolment or thereafter has become subject to any of the disabilities stated in clauses (1), (2), (3) and (4) of rule 4, or."

(3) In clause (*b*) of rule 22 of the said Rules—

(*i*) after the words "recognised for the purpose by the Governor General in Council" the words and brackets "(hereinafter referred to as a regular certificate)" shall be inserted;

(*ii*) for the proviso the following proviso shall be substituted, namely:—

"Provided that for a period of twelve months after the commencement of these rules a certificate of attendance for one academic year at an

institution recognised by the Accountancy Diploma Board, Bombay (hereinafter referred to as a substituted certificate) shall be accepted as equivalent to a regular certificate, and that a candidate thus allowed to appear at the initial First Examination by virtue of a substituted certificate shall not be ineligible for admission to any subsequent First Examination by reason only of the fact that he is not in a position to produce a regular certificate, or."

(4) To clause (*b*) of rule 25 of the said Rules, the following words shall be added, namely :—

"or is exempt from service under articles."

(5) In sub-rule (2) of rule 38 of the said Rules for the words "seven years and" the words "seven years or" shall be substituted.

(6) In rule 55 of the said Rules—

for clause (*a*) the following clause shall be substituted, namely :—

"(*a*) if he is found to have been subject at the time of his appointment to the Board or thereafter has become subject to any of the disabilities stated in clauses (1), (2), (3) and (4) of rule 4, or."

T. A. STEWART,

Offg. Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Simla, the 31st May 1933.

**No. 590-F.M./32.**—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that, with effect from the 1st August 1933, the following further amendments shall be made in the Indian Post Office Rules, 1933, namely :—

1. In rule 175 of the said Rules —

(*a*) in the heading, for the words "*Indo-Nyasaland and Indo-Iraq*" the words "*Indo-Nyasaland, Indo-Iraq and Indo-Kenya and Uganda*" shall be substituted ;

(*b*) for the words "in the Nyasaland Protectorate or in Iraq" the words "in the Nyasaland Protectorate, in Iraq or in Kenya and Uganda" and for the words "for or from the Nyasaland Protectorate or for or from Iraq" the words "for or from the Nyasaland Protectorate, for or from Iraq or for or from Kenya and Uganda" shall be substituted ;

(*c*) in the proviso, for the words "for the Nyasaland Protectorate or for Iraq" the words "for the Nyasaland Protectorate, for Iraq or for Kenya and Uganda" shall be substituted.

2. In rule 176 of the said Rules, for the words "the Nyasaland Protectorate and Zanzibar" the words "the Nyasaland Protectorate, Zanzibar and Kenya and Uganda" shall be substituted.

J. A. SHILLIDY,

Secretary to the Government of India.

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Registered No. L. 864

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, JUNE 16, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA", EXTRAORDINARY, SIMLA, WEDNESDAY, JUNE 7, 1933.

### DEPARTMENT OF COMMERCE.

NOTIFICATION.

TARIFFS.

Simla, the 7th June 1933.

**No. 341-T. (8)/33.**—In exercise of the powers conferred by sub-section (5) of section 3 of the Indian Tariff Act, 1894 (VIII of 1894), and in supersession of the Notification of the Government of India in the Department of Commerce, No. 341-T. (164), dated the 30th August, 1932, as amended by Notification No. 341-T. (5) 33, dated the 31st March, 1933, the Governor-General in Council is pleased to increase the duty chargeable under Part VII of the Second Schedule to the said Act on the articles specified in the annexed table to the extent set forth therein.

TABLE.

| Article, with number of entry in Part VII of the Second Schedule under which chargeable. | Present rate of duty chargeable under the Indian Tariff Act. | Increased rate of duty. |
|---|---|---|
| 158. Cotton piece-goods (other than fents of not more than nine yards in length)— | | |
| (*a*) plain grey, that is, not bleached or dyed in the piece, if imported in pieces which either are without woven headings or contain any length of more than nine yards which is not divided by transverse woven headings— | | |
| (*ii*) not of British manufacture .. .. | 20 per cent. *ad valorem* or $3\frac{1}{2}$ annas per pound, whichever is higher. | 75 per cent. *ad valorem* or $6\frac{3}{4}$ annas per pound, whichever is higher. |
| (*b*) Others— | | |
| (*ii*) not of British manufacture .. .. | 20 per cent. *ad valorem* | 75 per cent. *ad valorem*. |

T. A. STEWART,

Offg. Secretary to the Government of India.



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## PUNJAB AND ITS DEPENDENCIES.

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## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA", SIMLA, SATURDAY, JUNE 17, 1933.

### HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Simla, the 15th June 1933.

**No. F.-28/25/33.**—In exercise of the powers conferred by sub-rule (1) of rule 3 of the Civil Services (Emergency Deductions from Pay) Rules, 1933, the Governor-General in Council is pleased to direct that the following amendment shall be made in the Central Services (Emergency Deductions from Pay) Rules, 1933, namely :—

At the end of rule 3 of the said rules, the following further proviso shall be inserted, namely :—

> " Provided further that where, after the 15th July 1931, the basic pay of a post is or has been reduced, or where the basic pay of a newly created post is or has been fixed at a figure lower than it would have been fixed prior to that date, no deduction shall be made under this rule. If any doubt arises whether or not any case falls within the scope of this proviso, the case shall be referred for the decision of the Governor-General in Council."

And the rules shall have effect and shall be deemed always to have had effect as if they had been enacted as so amended.

M. G. HALLETT,

Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

Simla, the 13th June 1933.

**No. 374-E.**—Mr. G. C. S. Curtis, I.C.S. (Punjab), is appointed to the Political Department of the Government of India, substantively on probation and is employed on special duty as Colonisation Officer and Assistant Political Agent, Nasirabad, with effect from the forenoon of the 25th May 1933.

C. C. WATSON,

Political Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATIONS.

CUSTOMS.

Simla, the 17th June 1933.

**No. 36.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to prohibit the bringing into British India of any copy of the speech by Mr. Subhas Chandra Bose read at the Political Conference held at London on the 10th June 1933 and printed in pamphlet form at the Utopia Press, London, or any translation, reprint or other document containing substantial reproductions of the matter of the said speech.

G. S. HARDY,

Joint Secretary to the Government of India.

INCOME-TAX.

The 17th June 1933.

**No. 24.**—In exercise of the powers conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Finance Department (Central Revenues) No. 20-Income-tax, dated the 9th April 1932, namely :—

In clause (*a*) of the said notification after the figures, letters and words "31st March 1933" the words, figures and letters "or for the year ending the 31st March 1934" shall be inserted.

J. B. VACHHA,

Joint Secretary to the Government of India.

## CENTRAL BOARD OF REVENUE.

NOTIFICATION.

CUSTOMS.

Simla, the 17th June 1933.

**No. 35.**—In exercise of the powers conferred by section 11 of the Sea Customs Act, 1878 (VIII of 1878), Central Board of Revenue directs that the following amendments shall be made in the Schedule appended to its Notification No. 27, dated the 12th July 1930.

In Column 5 against wharf No. 9 of Cocanada port, substitute "Free cargo and Combustibles" for "Do.".

In Columns 4 and 5 against wharf No. 30 of Cocanada port substitute "295 ft." for "280 ft." and "kerosene oil and non-dangerous petroleum products otherwise than in bulk" for "Combustibles other than kerosene oil" respectively.

RAM NATH,

Secretary, Central Board of Revenue.

## DEPARTMENT OF COMMERCE.

NOTIFICATION.

TARIFFS.

Simla, the 17th June 1933.

**No. 579-T. (3).**—In exercise of the powers conferred by section 4, sub-section (3) of the Indian Tea Cess Act, 1903 (IX of 1903), the Governor-General in Council is pleased, on the recommendation of the Indian Tea Association, to appoint Mr. H. A. Antrobus of Messrs. Begg Dunlop & Co., Ltd., to fill the vacancy on the Indian Tea Cess Committee caused by the resignation of Mr. T. Lamb.

T. A. STEWART,

Officiating Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

EDUCATION.

Simla, the 15th June 1933.

**No. F.-111/3/32.**—The following amendments are made to the rule relating to the award of a central state scholarship for study outside India, published with the Government of India, Department of Education, Health and Lands, notification No. 382, dated the 18th February 1926, as amended from time to time :—

I. *Substitute* the following for rule 2 of Section A.—General Rules—as amended by the Department of Education, Health and Lands, notification No. 1511, dated the 31st July 1931 :—

"2. The scholarship will ordinarily be tenable for 3 years in Great Britain and will be of the folllowing value * :—

*Men and women scholars.*—

| | | £ |
|---|---|---|
| At Oxford or Cambridge (collegiate) | .. | 335 per annum. |
| At Oxford or Cambridge (non-collegiate) | .. | 300 per annum. |
| At universities or colleges other than Oxford or Cambridge. | | 216 per annum exclusive of fees and sanctioned travelling expenses which will be payable in addition." |

II. *Substitute* the following for the first footnote on page 1 of the rules :—

"*These rates will apply to scholarships awarded after 1st October 1932.—Inserted by the Department of Education, Health and Lands, notification No. F.-111-3/32-E., dated the 15th June 1933."

G. S. BAJPAI,

Secretary to the Government of India.

## ARMY DEPARTMENT.

Simla, the 17th June 1933.

## PART B.

JUDICIAL

**No. 363.**—The following draft of a further amendment to the Auxiliary Force Rules, 1920, which it is proposed to make in exercise of the powers conferred by section 30 of the Auxiliary Force Act, 1920 (XLIX of 1920), is published as required by sub-section (4) of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after 17th July 1933. Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Governor-General in Council :—

*Draft amendment.*

For Schedule I to the said Rules the following Schedule shall be substituted, namely :—

"SCHEDULE I.

(*See Rule 3.*)

Military Areas.

(*a*) *General Areas.*

(N. B.—*These areas shall not be deemed to include any territories comprised in any railway areas.*)

1. The Madras Presidency Area, namely, all Districts of that Presidency, all the Madras States, the territories of the Hyderabad State, including the Administered Areas in the Hyderabad State, as described in the notification of the Government of India in the Foreign and Political Department, No. 260-I., dated the 24th April 1929, as amended from time to time, Coorg and the Mysore State.

2. The Bombay Presidency Area, namely, the Town and Island of Bombay and the Island of Salsette.

3. The Ahmadabad Area, namely, the Northern Division of the Bombay Presidency, the Indian States within the political charge of the Commissioner of that Division, the States of Baroda and Cutch and the Kathiawar Agency.

4. The Poona Area, namely, the Central and Southern Divisions of the Bombay Presidency, the Indian States within the political charge of the Commissioners of those Divisions, and Kolhapur and the Southern Mahratta States.

5. The Karachi Area, namely, Sind and the Khairpur State.

6. The Calcutta Area, namely, Calcutta and the Presidency and Burdwan Divisions, excluding the Asansol Sub-division of the Burdwan district.

6. The Dacca Area, namely, the Dacca and Chittagong Divisions and the states of Hill Tipperah.

8. The Jalpaiguri Area, namely, the Rajshahi Division and the State of Cooch Behar.

9. The Gauhati Area, namely, the Assam Valley Districts Division, the Khasi and Jaintia Hills District (including the Khasi Hill States), and the Saidya and the Balipara Frontier Tracts.

10. The Silchar Area, namely, the Surma Valley and the Hill Districts Division, excluding the Khasi and Jaintia Hills District and the Khasi Hill States, but including the British Reserve, Manipur, as defined in the notification of the Government of India in the Foreign Department, No. 533-I. B., dated the 12th March, 1909.

11. The Bankipur Area, namely, the Patna, Muzaffarpore and Bhagalpur Divisions.

12. The Ranchi Area, namely, Chota Nagpur, the Asansol Sub-division of the Burdwan district and Orissa, including the Feudatory States.

13. The Lucknow Area, namely, Oudh and the Allahabad, Benares and Gorakhpur Divisions, and the Benares State.

14. The Jhansi Area, namely, the Jhansi Division.

15. The Meerut Area, namely, the Rohilkhand, Kumaun, Meerut and Agra Divisions and the States of Rampur and Tehri.

16. The Nowgong Area, namely, the Baghelkhand and Bundelkhand and Gwalior Agencies, and portions of the Administered Areas in Central India, namely, the Cantonments of Nowgong, Agar and Guna, the Gwalior Residency Area, the Civil Lines of Nowgong and the Sutna Agency.

17. The Mhow Area, namely, the rest of the Central India Agency, namely, the Cantonments of Mhow, Neemuch and Sehore and the Indore Residency Bazars.

18. The Ajmer Area, namely, Ajmer-Merwara, the Rajputana Agency, and the District of Abu as described in the notification of the Government of India in the Foreign Department No 2221-I. B., dated the 1st October 1917.

19. The Delhi Area, namely, the Delhi Province.

20. The North-Western Area, namely, the Punjab and the North-West Frontier Provinces, the Indian States in political relations with the Government of the Punjab and the Hon'ble the Agent to the Governor-General, Punjab States and the Kashmir State.

21. The Quetta Area, namely, British Baluchistan and the Baluchistan Agency Territories.

22. The Nagpur Area, namely, the Central Provinces and Berar, and the Feudatory States in the Central Provinces.

23. The Burma Area, namely, the Province of Burma (including the Federated Shan States), and the Andaman Islands.

(b) *Railway Areas.*

24. The East Indian Railway Area, namely, the East Indian Railway and the Railway Lands appertaining thereto.

25. The Eastern Bengal Railway Area, namely, the Eastern Bengal Railway, the Darjeeling-Himalayan Railway, the Bengal Dooars Railway and the Railway Lands appertaining thereto.

26. The Assam-Bengal Railway Area, namely the Assam-Bengal Railway, the Dibru-Sadiya Railway, the Jorhat State Railway and the Railway Lands appertaining thereto.

27. The Bengal and North-Western Railway Area, namely, the Bengal and North-Western Railway, the Rohilkhand and Kumaon Railway and the Railway Lands appertaining thereto.

28. The North-Western Railway Area, namely, the North-Western Railway, the Kalka-Simla Railway and the Railway Lands appertaining thereto.

29. The Bombay, Baroda and Central India Railway Area, namely, the Bombay, Baroda and Central India Railway, the Jodhpur-Bikaner Railway and the Railway Lands appertaining thereto.

30. The Great Indian Peninsula Railway Area, namely, the Great Indian Peninsula Railway and the Railway Lands appertaining thereto.

31. The Bengal-Nagpur Railway Area, namely, the Bengal-Nagpur Railway and the Railway Lands appertaining thereto.

32. The Madras and Southern Mahratta Railway Area, namely, the Madras and Southern Mahratta Railway and the Railway Lands appertaining thereto.

33. The South Indian Railway Area, namely, the South Indian Railway and the Railway Lands appertaining thereto.

34. The Burma Railway Area, namely, the Burma Railways and the Railway Lands appertaining thereto."

**No. 364.**—In exercise of the powers conferred by section 30 of the Auxiliary Force Act, 1920 (XLIX of 1920), the Governor-General in Council is pleased to direct that the

following further amendments having been previously published as required by sub-section (4) of the said section, shall be made in the Axiliary Force Rulesn, 1920, namely :—

1. In rule 6 of the Auxiliary Force Rules, 1920 (hereinafter referred to as "the said rules")--

(*a*) To sub-rule (2), the following words shall be added, namely :—" and if the corps or unit is a railway corps or unit he shall not be enrolled therein unless he is employed by the railway administration concerned. Provided that the D strict Commander may, in his discretion, sanction the enrolment in railway corps or units of persons who are not railway employees."

(*b*) in sub-rule (3) for the words " competent military authority ", the words " District Commander or a military officer appointed by him in this behalf " shall be substituted.

2. In rule 9 of the said Rules—

(*a*) in sub-rule (2), for the words " competent military authority," the words " Brigade Commander " shall be substituted.

(*b*) in the Table annexed to sub-rule (5), for the words " The competent Military Authority " occurring in column 2 opposite items (*a*) and (*e*) and sub-clause (*ii*) of item (*f*) in the first column the words " The Brigade Commander " shall be substituted ;

(*c*) for sub-rule (6), the following sub-rule shall be substituted, namely :—

" (6) Where the authority competent to authorise discharge under sub-rule (5) is the Officer Commanding the Corps or unit, the discharge may also be authorised by the Brigade Commander, the District Commander, the General Officer Commanding in Chief of the Command, the Commander-in-Chief of His Majesty's Forces in India, or the Governor-General in Council. Where the authority competent to authorise discharge is the Brigade Commander, the discharge may also be authorised by the District Commander, the General Officer Commanding in Chief of the Command, the Commander-in-Chief of His Majesty's Forces in India, or the Governor-General in Council."

3. In sub-rule (5) of rule 10 of the said Rules, for the words " competent military authority " the words " District Commander or a military officer appointed by him in this behalf " shall be substituted.

4. In rule 11 of the said rules—

(*a*) for the words " competent military authority " whenever they occur, the words " District Commander or a military officer appointed by him in this behalf " shall be substituted ;

(*b*) in clause (*e*) of sub-rule (1), for the words " for a period of training in camp exceeding in the case of the Active Class, ten days or, in the case of the First (A) Class of the Reserve, six days," the words " except in the case of the Active Class " shall be substituted.

5. For rule 12 of the said rules, the following rule shall be substituted, namely :—

" 12. (1) Officers and men of the Active Class of the Auxiliary Force, India, are entitled to pay at the rates laid down in Schedule III for every day of preliminary or periodical training completed provided that preliminary and periodical training shall not both be undergone in the same training year.

(2) Any non-commissioned officer or private who—

(*a*) completes in a training year the periodical training ordered by the Commander-in-Chief of His Majesty's Forces in India for the Active Class, and

(*b*) during such periodical training, actually spends at least one period of four consecutive days, or two periods of three consecutive days each, in camp, shall receive a bonus equivalent to the pay admissible under sub-rule (1) Provided that a non-commissioned officer or private belonging to a railway corps or unit shall not receive such bonus unless he spends in camp the whole period of such training."

6. In rule 14 of the said Rules, for the words " competent military authority, to any regular forces " the words " Brigade Commander to any regular forces, except for the purpose of carrying out preliminary or periodical training " shall be substituted.

7. In rule 16 of the said rules, for clause (f) the following clause shall be substituted, namely :—

" (f) severely reprimand or reprimand the offender ; or ".

8. In rule 19 of the said Rules, for the words " competent military authority " the words " Commander-in-Chief of His Majesty's Forces in India " shall be substituted.

9. After rule 20 of the said Rules, the following rule shall be inserted, namely :—

" 21. (1) The competent military authority for the purpose of sub-section (1) of section 8 of the Act shall be the Officer Commanding the Corps or unit to which the enrolled person is to be appointed.

(2) The competent military authority for the purposes of sections 9 and 11 of the Act shall be the Commander in-Chief of His Majesty's Forces in India.

(3) The competent military authority for the purposes of sub-section (4) of section 12, section 14, section 22, sub-clause (c) of clause (1) of section 24, section 26 and section 34 of the Act shall be the Brigade Commander concerned.

(4) The competent military authority for the purposes of section 13, sub-section (2) of section 17 and sub-section (1) of section 28 of the Act shall be the District Commander or a military officer appointed by him in this behalf.

(5) The competent military authority for the purpose of sub-section (1) of section 15 of the Act shall be the District Commander who initiates the transfer, except in the case of a transfer from one corps or unit to another corps or unit in an area commanded by the same District Commander, when the competent military authority shall be the Officer Commanding the Corps or unit who initiates the transfer.

(6) The competent military authority for the purpose of sub-section (2) of section 15 of the Act shall be the Officer Commanding the Corps or unit to which the person is transferred.

(7) The competent military authority for the purposes of section 16 and sub-section (3) of section 28 of the Act shall be the District Commander."

G. R. F. TOTTENHAM,

Secretary to the Government of India.

## RAILWAY DEPARTMENT.

(RAILWAY BOARD).

### NOTIFICATION.

Simla, the 15th June 1933.

**No. 1078-T. V.**—In exercise of the powers conferred by section 47 of the Indian Railways Act, 1890 (IX of 1890), and by the notification of the Government of India in the Department of Commerce and Industries, No. 801, dated the 24th March 1905, the Railway Board direct that the following further amendments shall be made in the General Rules for all open lines of Railways in British India published with the notification of the Government of India in the Railway Department (Railway Board), No. 1078-T., dated the 9th March 1929, namely :—

In the Schedule appended to Part III of the said rules against serial No. 3—

(a) In column 2, under the heading—

" *Petroleum and other hydro-carbon oils, dangerous, having a flash point below 76° Farh. N. O. C." after the entry " Benzoline "*

the following entry shall be inserted, namely :—

" Ethyl Aviation Spirit."

(*b*) In column 4, after the regulation " The words ' *highly inflammable*' must be distinctly marked on each package by the sender ", the following regulations shall be inserted, namely :—

" Cans, drums and tank wagons containing Ethyl Aviation Spirit must also be labelled by the sender to indicate the presence of lead in the spirit.

Tank wagons must be drained thoroughly after being used for the transport of Ethyl Aviation Spirit ",

(*c*) In columns 5 and 6, after the condition " Other Commodities including dangerous goods (not explosives or any of the substances mentioned against serial Nos. 19, 21, 22, 25 and 26) may be loaded in the same vehicle with these liquids, provided that they are well separated from them ", the following condition shall be inserted, namely :—

" Cans and drums containing Ethyl Aviation Spirit must not be loaded with food stuffs or food stuff empties and must be placed as far as possible from other packages."

L. H. KIRKNESS,

Secretary, Railway Board.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

### RESOLUTION.

POSTS AND TELEGRAPHS BRANCH.

Simla, the 13th April 1933.

**No. S.-97/3.**—The following rules for the recruitment in India by examination for the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department are prescribed :—

1. A competitive examination for admission to the permanent establishment of the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department shall be held in Delhi, beginning on the 14th November 1933.

2. Two appointments will be made on the result of the examination to be held during the year 1933 under the provisions of rule 1, provided this number of candidates is declared by the Public Service Commission, to have attained the qualifying standard in the examination. Of these appointments one will be filled by open competition in the direct order of merit, the other will be reserved for the redress if necessary of communal inequalities and will be filled by the appointment of a qualified member of a minority community in the following order of preference, (*a*) a Burman, (*b*) a Muslim, (*c*) a Sikh. In the event of no Burman, Muslim or Sikh attaining the qualifying standard a qualified member of some other community will be appointed.

For the purpose of this rule a Burman means a person who was at the date of his birth, and at the date of the examination is, domiciled in Burma.

3. The maximum number of candidates to be admitted to the examination may in the discretion of the Governor-General in Council be limited to such number not being less than 200 as the Governor-General in Council may decide. If a limit is imposed the Public Service Commission shall select from among the applicants those who shall be admitted to the examination.

4. (1) A candidate shall apply to be admitted to the examination before such date and in such form as the Governor-General in Council may direct. The application shall be made to the authority of the area in which his parents reside at the time of his application or have previously resided for a continuous period of not less than 3 years or in which he has himself resided, otherwise than as a student, for a like period.

(2) The application shall be made, if based on residence in a Governor's province to the Chief Secretary of that province, if based on residence in Coorg, Delhi, Ajmer-Merwara, or British Baluchistan, to the Chief Commissioner concerned and if based on residence in a State in India to the Political Officer or Agent through the Darbar.

(3) No candidate shall make more than one application in respect of any one examination.

5. A candidate must be a male and either—

(*i*) a British subject of Indian domicile whose father (if alive is a British subject, or a subject of a State in India, or (if dead) was at a time of his death either a British subject or a subject of a State in India, or a person in the permanent service of the Crown, or a person who had retired from that service, or

(*ii*) a ruler or a subject of a State in India in respect of whom the Governor-General in Council has made a declaration under section 96A of the Government of India Act :

Provided that in the case of a British subject the requirements of this rule may be waived by the Secretary of State in Council if he is satisfied that their observance would occasion exceptional hardship, and the candidate is so closely connected by ancestry or upbringing with His Majesty's dominions as to justify special treatment.

6. A candidate must have attained the age of 20 and must not have attained the age of 25 on the 1st day of August* next preceding the date of the examination.

7. A candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties and a candidate who is found after examination by a Medical Board not to satisfy these requirements will not be appointed.

NOTE.—Only successful candidates will be medically examined. Candidates are, therefore, recommended to consult a Civil Surgeon as to their physical fitness in accordance with the prescribed regulations before entering for the examination.

8. A candidate must satisfy the Public Service Commission that his character is such as to qualify him for employment in the Indian Posts and Telegraphs Department.

9. A candidate must—

(*i*) have passed parts A and B of the Associate Membership examination of the Institution of Engineers (India), or any other educational qualifications recognised by that institution as exempting from passing these parts,—*vide* Appendix II ; or

(*ii*) have passed one of the Indian examinations mentioned in Appendix III ; or

(*iii*) have obtained an Engineering degree of one of the Universities mentioned in Appendix IV under the conditions prescribed in that Appendix ; or

(*iv*) have passed the Associateship examination of the City and Guilds Institute (Imperial College of Science and Technology, South Kensington) in Civil Engineering ; or

(*v*) have obtained a diploma of Faraday House, London ; or

(*vi*) have passed the Associate examination of the Bengal Engineering College in Mechanical Engineering ; or

(*vii*) have obtained such other diploma or distinction in Engineering as the Governor-General in Council on the advice of the Public Service Commission may decide to accept.

10. No candidate shall be admitted to the examination unless he holds a certificate given by the Public Service Commission of having been accepted for admission.

11. No recommendations except those invited in the form of application will be taken into consideration. Any attempt on the part of a candidate to obtain support for his application by other means may disqualify him for selection.

12. Candidates must pay the following fees :—

(*i*) Rs. 7-8-0 with the application form ;

(*ii*) Rs. 16 before examination by a Medical Board ; and

(*iii*) if accepted for admission to the examination, Rs. 75 immediately after the receipt of the certificate of admission.

No claim for a refund of these fees will be entertained.

13. The examination will include the following subjects each of which will carry the number of marks shown against it :—

(*a*) *Compulsory*—

| | Marks. |
|---|---|
| (1) English (including Essay and Precis Writing) .. | 100 |
| (2) General Knowledge .. .. .. .. | 200 |
| (3) Applied Mathematics .. .. | 100 |
| (4) Applied Mechanics (including Strength of Materials and Theory of Structures) .. .. .. | 100 |
| (5) Electrical Engineering .. .. .. | 100† |
| (6) *Viva Voce* .. .. .. .. | 200 |

*NOTE.—These age limits apply whether or not the candidate is already in Government service.
†A minimum proficiency will be required in this subject.

(*b*) *Optional*—

Not more than one of the following subjects :—

| | | Marks. |
|---|---|---|
| (1) | Physics (including Electricity and Magnetism) .. | 100 |
| (2) | Prime Movers .. .. .. | 100 |
| (3) | Hydraulics and Hydraulic machines .. .. | 100 |
| (4) | Construction .. .. .. | 100 |
| | (*i*) Building materials. | |
| | (*ii*) Design of structures. | |
| | (*iii*) General principles governing the design of Railways, roads, harbours and other works. | |
| (5) | Surveying .. .. .. | 100 |
| (6) | Sanitary Engineering and Water Supply .. | 100 |

14. The standard and syllabus of the examination shall be such as the Public Service Commission shall prescribe and the Commission shall, if they think it desirable, determine what shall be the qualifying marks in all or any of the subjects of examination.

15. From the marks assigned to candidates in each subject such deduction will be made as the Public Service Commission may consider necessary in order to secure that no credit is allowed for merely superficial knowledge.

16. If a candidate's handwriting is not easily legible, a deduction will be made on this account from the total marks otherwise accruing to him.

17. Credit will be given for good English including orderly, effective and exact expression combined with due economy of words in all subjects of the examination and not only in subjects which are specially devoted to English.

18. A list of the competitors shall be made out in order of merit as disclosed by the aggregate marks finally awarded to each competitor.

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## APPENDIX I.

*General conditions of Service prescribed for Probationers in the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department.*

1. *Apprenticeship.*—Selected candidates will be appointed as apprentices for training in the Department for 18 months. During this period each will receive a subsistence allowance of Rs. 200 a month. Those who pass the period of apprenticeship satisfactorily will be appointed on probation for one year as Assistant Divisional Engineers. Their confirmation at the end of that year will depend on the result of that probation and on their passing certain prescribed departmental tests.

2. *Provident Fund.*—Officers entering the Superior Telegraph Engineering and Wireless Branches will be eligible to join the General Provident Fund and will be governed by the rules regulating that Fund.

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## APPENDIX II.

*List of Examinations recognized by the Council as exempting from parts "A" and "B" of the Associate Membership Examination.*

| | |
|---|---|
| Institution of Civil Engineers | .. Sections A and B of the Associate Membership Examination. |
| Institution of Mechanical Engineers | .. Associate Membership Examination. |
| Institution of Electrical Engineers | .. The Graduateship Examination. |
| Oxford | .. B.A. with Honours in Engineering Science Final Honours School. |
| Cambridge | .. B.A. (Honours) Mechanical Sciences Tripos. |
| St. Andrews | .. B.Sc. in Engineering. |

| | |
|---|---|
| Glasgow .. | B.Sc. in Engineering. |
| Edinburgh .. | B.Sc. in Engineering. |
| Dublin .. | B.A.I. (Ordinary, or with Honours in Enginee - ing.) |
| McGill University (Montreal) .. | B.Sc. in " Civil " or " Mechanical " or " Electrical " or " Metallurgical " or " Mining " Engineering. (Honours or Ordinary Degree.) |
| Durham .. | B.Sc. in " Civil " or " Mechanical " or " Electrical " Engineering, or in " Naval Architecture " (Honours or Ordinary Degree). |
| London .. | B.Sc. in (External and Internal Degree) Engineering [ not including the B.Sc. Engineering (Mining) or the B.Sc. in Engineering (Metallurgy) ] (Honours or Ordinary Degree). |
| Victoria University (Manchester) .. | B.Sc. in Engineering. (Honours degree ; or Ordinary degree from 1925 onwards.)<br>B.Sc. Tech. in " Mechanical " or " Electrical " Engineering—(Honours Division in the Final Examination). |
| Birmingham .. | B.Sc. in " Civil " or " Mechanical " or "Electrical" Engineering—(Honours or Ordinary degree). |
| Liverpool .. | B.Eng. in " Civil " or " Mechanical " or " Marine" or " Electrical " Engineering, or " Naval Architecture " (Honours or Ordinary degree). |
| Leeds .. | B.Sc. in " Civil " or " Mechanical " or " Electrical " Engineering. (Honours or Ordinary degree). |
| Sheffield .. | B.Eng. in " Civil " or " Mechanical " or "Electrical " Engineering. (Honours degree or Ordinary degree with a First Class in the Final Examination). |
| Bristol .. | B.Sc. in " Civil " or Mechanical " or Electrical Engineering. (Honours or Ordinary degree). |
| Wales .. | B.Sc. in " Civil " or " Mechanical " or " Electrical " Engineering. |
| National University of Ireland. .. | B.E. |
| Queen's University (Belfast) .. | B.Sc. in Engineering. |
| Sydney .. | B.E. in " Civil " or in " Mechanical " and " Electrical " Engineering. |
| Melbourne .. | B.C.E., B.Mech. E. or B.E.E. |
| New Zealand .. | B.E. in " Civil " or " Mechanical " or " Electrical " Engineering. |
| Adelaide .. | B.E. in " Civil " or " Mechanical " or " Electrical" Engineering. |
| Queensland .. | B E. in " Civil " or in " Mechanical " and " Electrical " Engineering. |
| Western Australia .. | B.E. |
| South Africa .. | B.Sc. in Engineering (until 1921). |
| Cape Town .. | B.Sc. in Engineering. |
| Witwatersrand .. | B.Sc. in " Civil " or " Mechanical " and "Electrical " Engineering. |
| Calcutta .. | B.E. Examination in Civil Engineering. |
| Bombay .. | B.E. Examination. |
| Madras .. | B.E. Examination. |

| | | | |
|---|---|---|---|
| Benares Hindu University | .. B.Sc. Examination in Engineering. | | |
| Manchester | .. Certificate in Technology, Mechanical or Electrical Engineering. | | |
| Patna | .. B.C.E. | in all branches, Civil or Mechanical or Electrical. | |
| Rangoon | .. B.Sc. in Engineering (from March 1932). | | |
| Mysore | .. B.E. (from March 1932.) | | |

*Diplomas in Engineering :—*

City and Guilds (Engineering) College, Kensington.

University College, London.

King's College, London.

City and Guilds of London Institute, Technical College. Finsbury: Diploma or Higher Certificate (three years' course) if taken by Matriculated Students or Students who have passed the Institution Studentship Examination or its recognised equivalent.

Royal Technical College, Glasgow. Final Diploma Examination in Mechanical or Electrical Engineering provided an approved Matriculation Examination has been passed before beginning the course.

Thomason Civil Engineering College, Roorkee.

Assistant Engineer's Certificate—

Bengal Engineering College, Associate Diploma.

Indian Institute of Science, Bangalore. Certificate in Electrical Technology.

*Naval Officers:—*

Examination which qualifies as Lieutenant (E).

*Royal Naval College, Greenwich :—*

Professional Certificate for Constructors.

APPENDIX III.

*List of Examinations.*

Final examinations leading up to the following degrees :—

B.E. of Calcutta University (College of Engineering, Sibpur).

The examination for the Certificate in Electrical Technology of the Indian Institute of Science, Bangalore.

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APPENDIX IV.

*List of University degrees which will be recognized for admission to the examination.*

*Cambridge.*—Ordinary degree B.A. in Engineering, provided the graduate has passed in the principal subjects, Engineering I, Engineering II and Engineering III.

*Glasgow.*—B.Sc. in Naval Architecture (Honours or Ordinary degree).

*Durham.*—B.Sc. in Marine Engineering.

*London.*—B.Sc. Ordinary or with Honours [not including the B.Sc. in Engineering (Mining) or the B.Sc. in Engineering (Metallurgy)].

*Victoria University (Manchester).*—B.Sc. in Engineering (Honours degree or Ordinary degree obtained in 1920 upto 1924).

*Aberdeen.*—B.Sc. in Engineering (Honours or Ordinary degree).

NOTE.—The above degrees will be accepted only if taken after three years' study and the passing of the regular examinations in the several Universities. The conditions as to three years' study will not, however, apply to Indians who, having taken an Indian degree, which exempts them from part of the University course, shall have taken one of the above degrees in less than three years in accordance with the regulations of the University concerned.

J. A. SHILLIDY,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE GAZETTE OF INDIA, NEW DELHI, SATURDAY JUNE 17, 1933.

## PUBLIC SERVICE COMMISSION (INDIA).

### NOTICE.

Under the directions of the Governor-General in Council, a competitive examination for admission to the Superior Telegraph Engineering and Wireless Branches of the Posts and Telegraphs Department will be held in Delhi beginning on the 14th November, 1933, under the Rules published in the "Gazette of India," dated the 17th June, 1933. Candidates accepted for admission to the examination will be informed at what place in Dehli and at what hour they should present themselves.

2. Two vacancies will be filled on the results of this examination, one of which will be filled by open competition in the direct order of merit and the other will be reserved for the redress of communal inequalities in the following order of preference :—(*a*) a Burman, (*b*) a Muslim, and (*c*) a Sikh, provided a member of any of these communities attains the qualifying standard. In the event of no Burman, Muslim or Sikh attaining the qualifying standard the post in question will be filled by the appointment of a qualified member of some other community.

3. The application must be made through the Collector or Deputy Commissioner* to the proper authority of the area in which the candidate's parents reside at the time of the application, or of an area in which they have previously resided for a continuous period of not less than three years, or in which the candidate has himself resided, otherwise than as a student, for a like period.

4. The proper authority is, for a Governor's Province, the Chief Secretary,† for Coorg, Delhi, Ajmer-Merwara, Baluchistan or the Andaman and Nicobar Islands, the Chief Commissioner ; and for a State in India the Political Officer or Agent who should be addressed through the Durbar.

5. No candidate will be admitted to the examination from whom the Collector or Deputy Commissioner* or the Political Officer or Agent has not received on or before the 15th August, 1933, an application on the prescribed form accompanied by the necessary documents. Copies of the Rules and the application form, etc., may be obtained from the local Governments, the Political Officers or Agents and the Secretary, Public Service Commission.

6. No allegation that an application form or letter respecting such form has been lost or delayed in the post will be considered unless the person making such allegation produces a Post Office registration receipt or certificate of posting. Candidates who delay their applications until a late date will do so at their own risk. A candidate for whom a declaration under section 96A of the Government of India Act is necessary should take immediate steps to obtain the same.

7. Candidates must have attained the age of 20 and must not have attained the age of 25 on the 1st day of August 1933.

8. Candidates who have appeared at an examination of a University passing of which would render them eligible to appear at the examination, but have not been informed of the result, may apply for admission to this examination. Their applications will be accepted provisionally and they will be required to furnish before the 5th September, 1933, to the Chief Secretary to the local Government or thereafter to the Public Service Commission proof of having passed their University Examination.

*In the case of Calcutta the Commissioner of Police.

†In the case of the Government of Bengal, the Secretary, in the Public Works Department.

SIMLA ;
The 15th June 1933.

D. REYNELL,
Secretary, Public Service Commission.

430 CS—790—23-6-33—SGPP Lahore.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, JULY 7, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA", SIMLA, SATURDAY, JUNE 24, 1933

### LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 23rd June 1933.

**No. F. 105-XVII/33-C. & G.**—The Governor-General is pleased to accept the resignation by Khan Bahadur Malik Allah Bakhsh Khan Tiwana, M.B.E., of his office of Member of the Legislative Assembly.

L. GRAHAM,
Secretary to the Government of India.

### HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 17th June 1933.

**No. F. 10/9/33.**—The following Resolution made by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of section 96-B of the Government of India Act, the Secretary of State, with the concurrence of the majority



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of votes at a meeting of the Council of India held this 23rd day of May 1933, hereby makes the follwing amendments in the Superior Civil Services Rules, namely :—

I. In Schedule VII to the said Rules in Part 2 of Table B, in the entries relating to " Punjab, " North-West Frontier Province, Baluchistan and Delhi " under the sub-head, Superior Posts "—

(*i*) For the entry "4 Deputy Inspectors-General of Police " the entry " 5 Deputy Inspectors-General of Police " shall be substituted ;

(*ii*) for the entry " 6 District Superintendents of Police, Selection Grade ' the entry " 5 District Superintendents of Police, Selection Grade " shall be substituted ;

(*iii*) the entry " 1 Personal Assistant to the Inspector-General of Police, North-West Frontier Province " shall be deleted ; and

(*iv*) for the entry " 33 District Superintendents of Police " the entry " 34 District Superintendents of Police " shall be substituted.

II. In Schedule VIII to the said Rules, in Table B in the entries relating to " Punjab, North-West Frontier Province, Baluchistan and Delhi " the entry " Personal Assistant to the Inspector-General of Police, North-West Frontier Province..................................Senior.................150 " shall be deleted.

M. G. HALLETT,

Secretary to the Government of India.

JAILS.

The 22nd June 1933.

**No. F. 16/1/33.**—In modification of the Home Department notification No. F. 16/1/33-Jails, dated the 4th April 1933, the services of Mr. L. V. Dean, Settlement Assistant Commissioner, Port Blair, are replaced at the disposal of the Government of the Punjab with effect from the 6th March 1933.

T. SLOAN,

Joint Secretary to the Government of India.

PUBLIC.

The 19th June 1933.

**No. F. 6/7/33.**—The following resolution passed by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of section 96-B of the Government of India Act, the Secretary of State in Council, with the concurrence of a majority of votes at a meeting of the Council of India held this 12th day of July 1932, hereby makes the following rule :—

The rules regarding the submission of petitions to the Government of India and the rules regarding the submission of memorials and other papers of the same class to His Majesty the King Emperor of India, or to the Secretary of State for India, which were published with the Government of India, Home Department notifications Nos. 534 and 536-Public, dated the 30th June 1916, are, in so far as they relate to persons in the civil service of the Crown in India, hereby cancelled.

**No. F. 6/7/33-I.**—The following instructions for the submission, receipt and transmission of memorials to His Majesty the King Emperor of India, or to the Right Honourable the Secretary of State for India in Council are published for general information in supersession of the instructions published with the Home Department notification No. F.-472-II-1/23-Public, dated the 21st June 1924 —

PART I.

PRELIMINARY.

1. ***Definitions.***—In these instructions —

(*1*) " civil employment " means employment by Government or by a local authority ;

(2) "local Government" includes the authorities mentioned in the Schedule; and

(3) "memorial" includes petitions, letters and applications of the nature of memorials.

2. *Scope of Instructions.*—(1) Save as hereinafter provided, these instructions shall apply, so far as may be, to all memorials addressed to His Majesty the King, Emperor of India, or the Secretary of State for India in Council.

(2) They shall apply only in so far as they are not inconsistent with the conditions of Army, Royal Air Force, or Royal Indian Marine service to memorials of the nature referred to in sub-instruction (1) from persons who are or have been in such service in respect of matters arising therefrom.

(3) They shall not apply to memorials relating to matters arising in a State in India; such memorials are governed by separate instructions issued by the Foreign and Political Department.

(4) They shall not apply to memorials submitted by, or on behalf of, convicts under sentence of death.

(5) They shall not affect any rules or orders made by competent authority in respect of representations submitted by recognised associations of Government servants.

PART II.

FORM AND MANNER OF SUBMISSION OF MEMORIALS.

3. *Form of memorial.*—(1) A memorial may be either in manuscript or in print.

(2) Every memorial shall be authenticated by the signature of the memorialist, or, when the memorialist are numerous, by the signatures of one or more of them.

(2) Every memorial, and the documents accompanying it, shall, if possible, be in English; if not, they shall be accompanied by an English translation authenticated in the manner provided in sub-instruction (2).

4. *Contents of memorial.*—Every memorial shall—

(a) contain all material statements and arguments relied upon by the memorialist;

(b) be complete in itself;

(c) if any recorded order of a public authority is complained against, be accompanied by a copy of the order and by a copy of any order in the case passed by a subordinate authority; and

(d) end with a specific prayer.

*Method of submission.*—Every memorial shall be submitted through—

(a) the local Government mentioned in the Schedule in respect of the memorialist;

(b) if no local Government is mentioned in the Schedule in respect of the memorialist, the local Government of the province in which the memorialist is or has last been residing or employed; or

(c) if there is no local Government such as is referred to in clause (a) or clause (b), the Governor-General in Council,

and shall be accompanied by a letter requesting the local Government or the Governor-General in Council, as the case may be, to transmit the memorial to His Majesty or the Secretary of State for India in Council, as the case may be.

6. *Submission of memorials by persons in civil employment.*—(1) Every person in civil employment, and every person who has been in civil employment, shall, if he desires to memorialise His Majesty or the Secretary of State for India in Council in respect of such employment, or in respect of the termination of such employment, submit a separate memorial on his own behalf.

(2) Every such memorial shall be submitted through the authority provided in instruction 5 through the head of the office or department to which the memorialist belongs or belonged.

(3) The head of an office or department, on receipt of any memorial submitted through him in accordance with sub-instruction (2), shall forward the memorial, by means of the usual official channels, to the authority provided in instruction 5.

## PART III.

### WITHHOLDING OF MEMORIALS BY THE GOVERNOR-GENERAL IN COUNCIL OR LOCAL GOVERNMENTS.

7. *Circumstances in which memorials may be withheld.*—Memorials received by—

(*a*) the Governor-General in Council—

(*i*) under clause (*c*) of instruction 5; or

(*ii*) under sub-instruction (*1*) of instruction 10 from an authority such as is referred to in article 6 of the Schedule,

may, at discretion, be withheld by the Governor-General in Council,

(*b*) a local Government may, at discretion, be withheld by the local Government,

when—

(*1*) the memorialist has not complied in full with the provisions of Part II of these instructions;

(*2*) the memorial is illegible or unintelligible, or contains language which is, in the opinion of the Governor-General in Council or the local Government, disloyal, disrespectful or improper;

(*3*) a previous memorial from the memorialist on the same subject has been disposed of by His Majesty or the Secretary of State for India in Council, and the memorial, in the opinion of the Governor-General in Council or the local Government, discloses no new facts or circumstances which afford grounds for a reconsideration of the subject;

(*4*) the memorial is a representation against a decision which is declared to be final by any law or statutory rule;

(*5*) the law provides a different or specific remedy in respect of the subject matter of the memorial, whether or not any period of limitation prescribed for the prosecution of such remedy has expired;

(*6*) the memorial is an appeal from a judicial decision:

Provided that, if the memorial—

(*a*) is an appeal from a judicial decision in a case in which Government has reserved any discretion of interference;

(*b*) is an appeal from a judicial decision in a suit to which Government was a party; or

(*c*) is a prayer for the exercise of a royal prerogative, such as that of pardon, the memorial shall not be withheld unless—

(*i*) not being a prayer for the exercise of a royal prerogative, it falls under clause (*12*); or

(*ii*) being a prayer for the exercise of a royal prerogative it has been granted by His Excellency the Viceroy in virtue of his authority to exercise the royal prerogative in question, in which case it may be withheld by the Governor-General in Council;

(*7*) the memorial is a mere application for relief, pecuniary or other, which is—

(*a*) presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character; or

(*b*) so belated that its consideration is clearly impossible;

(*8*) the memorial is—

(*a*) an application for employment in Government service not made in pursuance of any rule or announcement regarding applications for such employment; or

(*b*) a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government or by persons engaging in any profession or employment;

(*9*) the memorials makes a proposal regarding legislation which the Governor-General in Council or the local Government is not prepared to support;

(10) the memorial is a representation against the action of a private individual or of a body of private individuals regarding the private relations of the memorialist and such individual or body ;

(11) the memorial, not being a memorial such as is referred to in the proviso to clause (6), relates to matters in which the memorialist has no direct personal interest ;

(12) the memorial relates to a subject on which the Governor-General in Council or the local Government is competent to pass orders, and no application for redress has been made by the memorialist to the Governor-General in Council or the local Government, as the case may be ;

(13) the memorial is a representation against an order communicated to the memorialist more than six months before the submission of the memorial, and no satisfactory explanation of the delay is given ;

(14) the memorial is a representation against a failure to exercise a discretion vested in the Governor-General in Council or the local Government :

Provided that no memorial submitted by—

(a) a member of an All-India Service ;

(b) an officer holding the King's Commission on the active list of the Regular Army, the Royal Air Force or the Royal Indian Marine ; or

(c) a person appointed by the Secretary of State for India in Council,

on the ground that he has not been selected for a selection post, shall be withheld ;

(15) the memorial is a representation against the discharge of a person—

(a) appointed on probation, during such probation ;

(b) appointed, otherwise than under contract, to hold a temporary appointment, on the expiration of the period of such appointment ; or

(c) engaged under contract, in accordance with the terms of such contract ;

(16) the memorial is a representation by a government servant against an order—

(a) from which he has exercised, or possesses, a right of appeal under—

(i) rules or orders regulating his conditions of service ; or

(ii) the terms of his contract of service ;

(b) passed by any authority in the exercise of appellate or revisional powers conferred by any rule, order or contract such as is referred to in sub-clause (a) ;

(c) from which an appeal is expressly barred by any rule, order or contract such as is referred to in sub-clause (a) ; or

(d) passed by the Governor-General in Council on a petition against an order of punishment passed by the Governor-General in Council on an officer appointed by the Governor-General in Council.

(17) the memorial is a representation relating to—

(a) the application of—

(i) rules made by the Secretary of State for India in Council under sub-section (2) of section 96-B of the Government of India Act ;

(ii) orders made by the Secratary of State for India in Council ; or

(iii) the terms of the contract of service of the memorialist ; or

(b) an order of the Governor-General in Council or the local Government refusing to grant or to recommend—

(i) a special pension ;

(ii) a compassionate pension ; or

(iii) any pecuniary or other concession to which the memorialist is not entitled under any law or statutory rule :

Provided that, subject to the provisions of clause (*4*), no memorial against the interpretation by any authority, other than the Secretary of State for India in Council, of any rule, order or contract—

(*A*) such as is referred to in sub-clause (*a*) ; or

(*B*) approved by the Secretary of State for India in Council,

shall be withheld, unless the Governor-General in Council is satisfied that there is no reasonable doubt of the correctness of such interpretation ;

(*18*) the memorial is submitted, otherwise than in accordance with any rule, order or contract such as is referred to in sub-clause (*a*) of clause (*16*), by a person in government service with regard to his prospective claim, to pension ; or

(*19*) the memorial is a representation with regard to any matter connected with the official prospects or position of a person in government service, and is not submitted by such person.

8. *Memorialist to be informed when memorial is withheld.*—The Governor-General in Council or the local Government shall, when a memorial is withheld under instruction 7, inform the memorialist of the withholding and the reason therefor.

9. *List of memorials withheld.*—(*1*) The local Government shall send a quarterly return to the Governor-General in Council specifying all memorials withheld under instruction 7 by the local Government, and the reasons for withholding them.

(*2*) The Governor-General in Council shall send a quarterly return to the Secretary of State for India in Council specifying all memorials withheld under instruction 7 by the Governor-General in Council or by a local Government, and the reasons for withholding them.

## PART IV.

### TRANSMISSION OF MEMORIALS BY THE GOVERNOR-GENERAL IN COUNCIL OR LOCAL GOVERNMENTS.

10. *Procedure for transmission.*—(*1*) The local Government shall transmit to the Governor-General in Council all memorials not withheld under clause (*b*) of instruction 7, together with a duplicate copy thereof.

(*2*) The Governor-General in Council shall, ordinarily within one month after receipt, transmit, in original, to His Majesty or the Secretary of State for India in Council, as the case may be, all memorials received by the Governor-General in Council—

(*a*) under clause (*c*) of instruction 5, and not withheld under sub-clause (*i*) of clause (*a*) of instruction 7 ; and

(*b*) under sub-instruction (*1*) of this instruction, and not withheld under sub-clause (*ii*) of clause (*a*) of instruction 7.

(*3*) Memorials transmitted under this instruction shall be accompanied by a concise statement of facts material thereto, and, unless there are special reasons to the contrary, an expression of the opinion of the Governor-General in Council or the local Government, as the case may be, thereon, or, in the case of a memorial received by the Governor-General in Council under sub-instruction (*1*), of the opinions of both the Governor-General in Council and the local Government thereon.

(*4*) Where the memorial or any document accompanying it is not in English, the Governor-General in Council or the local Government, as the case may be, shall, when transmitting it under this instruction,—

(*a*) if it is accompanied by an English translation, examine the translation and notify the authority to which it is transmitted of any defects found in the translation ; or

(*b*) if it is not accompanied by an English translation, prepare such a translation and transmit it together with the memorial.

## SCHEDLUE.

### LIST OF AUTHORITIES INCLUDED IN THE WORDS "LOCAL GOVERNMENT".

[*See Instruction 1 (2).*]

1. Chief Commissioners.

2. The Commander-in-Chief in India and Army, District and Independent Brigade Commanders.

NOTE.—In the case of memorialists who are ex-soldiers and have served under more than one Army, District or Independent Brigade Commander, the local Government for the purposes of these instructions shall be the Army, District or Independent Brigade Commander who from his knowledge of the memorialist or of the subject-matter of the memorial is best able to make recommendations on the memorial.

3. The Air Officer Commanding, Royal Air Force in India.

4. The Flag Officer Commanding and Director, Royal Indian Marine.

5. The Railway Board.

6. Save for the purposes of Part III of the Instructions, heads of Departments who are directly under the Government of India.

**No F. 6/7/33-II.**—The following instructions for the submission of petitions to the Governor-General in Council are published for general information in supersession of the instructions published with the Home Department notification No. F. 472-II-2/23-Public, dated the 21st June 1924 :—

## PART I.

### PRELIMINARY.

1. *Definitions.*—In these instructions—

(*1*) " civil employment " means employment by Government or by a local authority ;

(*2*) " local Government " includes the authorities mentioned in the Schedule and

(*3*) " petition " includes memorials, letters, and applications of the nature of petitions.

2. *Scope of Instructions.*—(*1*) Save as hereinafter provided, these instructions shall apply, so far as may be, to all petitions addressed to the Governor-General in Council.

(*2*) They shall apply only in so far as they are not inconsistent with the conditions of Army, Royal Air Force, or Royal Indian Marine service to petitions of the nature referred to in sub-instruction (1) from persons who are or have been in such service in respect of matters arising therefrom.

(*3*) They shall not apply to—

(*a*) petitions relating to matters arising in a State in India ; such petitions are governed by separate instructions issued by the Foreign and Political Department ;

(*b*) petitions relating to bills pending before the Indian Legislature ; such petitions are governed by the Standing Orders of the Council of State and the Legislative Assembly.

(*c*) petitions submitted by, or on behalf of, convicts under sentence of death.

(*4*) They shall not affect any rules or orders made by the Governor-General in Council in respect of representations submitted by recognised associations of government servants.

## PART II.

### FORM AND MANNER OF SUBMISSION OF PETITIONS.

3. *Form of petition.*—(*1*) A petition may be either in manuscript or in print.

(*2*) Every petition shall be authenticated by the signature of the petitioner, or, when the petitioners are numerous, by the signatures of one or more of them.

(*3*) Every petition, and the documents accompanying it, shall, if possible, be in English ; if not, they shall be accompanied by an English translation authenticated in the manner provided in sub-instruction (*2*).

4. *Contents of petition.*—Every petition shall—

(*a*) contain all material statements and arguments relied upon by the petitioner ;

(*b*) be complete in itself;

(c) if any recorded order of a public authority is complained against, be accompanied by a copy of the order and by a copy of any order in th case passed by a subordinate authority ; and

(d) end with a specific prayer.

5. *Method of submission.*—(*1*) Every petition shall be submitted through—

(a) the local Government mentioned in the Schedule in respect of the petitioner ; or

(b) if no local Government is mentioned in the Schedule in respect of the petitioner, the local Government of the province in which the petitioner is or has last been residing or employed,

and shall be accompanied by a letter requesting the local Government to transmit the petition to the Governor-General in Council.

(*2*) If there is no local Government such as is referred to in sub-instruction (*1*), the petition shall be submitted to the Governor-General in Council direct.

6. *Submission of petitions by persons in civil employment.*—(*1*) Every person in civil employment, and every person who has been in civil employment, shall, if he desires to petition the Governor-General in Council in respect of such employment, or in respect of the termination of such employment, submit a separate petition on his own behalf.

(*2*) Every such petition shall be submitted through the authority provided in instruction 5 through the head of the office or department to which the petitioner belongs or belonged.

(*3*) The head of an office or department, on receipt of any petition submitted through him in accordance with sub-instruction (*2*), shall forward the petition, by means of the usual official channel, to the authority provided in instruction 5.

## PART III.

### WITHHOLDING OF PETITIONS BY THE LOCAL GOVERNMENT.

7. *Circumstances in which petitions may be withheld.*—The local Government may, at discretion, withhold a petition when—

(*1*) the petitioner has not complied in full with the provisions of Part II of these instructions ;

(*2*) the petition is illegible or unintelligible, or contains language which is, in the opinion of the local Government, disloyal, disrespectful or improper ;

(*3*) a previous petition from the petitioner on the same subject has been disposed of by the Secretary of State for India in Council or the Governor-General in Council, and the petition, in the opinion of the local Government, discloses no new facts or circumstances which afford grounds for a reconsideration of the subject ;

(*4*) the petition is a representation against a decision which is declared to be final by any law or statutory rule ;

(*5*) the law provides a different or specific remedy in respect of the subject matter of the petition, whether or not any period of limitation prescribed for the prosecution of such remedy has expired ;

(*6*) the petition is an appeal from a judicial decision :

Provided that, if the petition—

(a) is an appeal from a judicial decision in a case in which Government has reserved any discretion of interference ;

(b) is an appeal from a judicial decision in a suit to which Government was a party ; or

(c) is a prayer for the suspension or remission of a sentence under Chapter XXIX of the Code of Criminal Procedure, 1898 (V of 1898),

the petition shall not be withheld unless it falls under clause (*12*).

(*7*) the petition is a mere application for relief, pecuniary or other, which is—

(a) presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character ; or

(b) so belated that its consideration is clearly impossible ;

(8) the petition is—

(a) an application for employment in Government service not made in pursuance of any rule or announcement regarding applications for such employment ; or

(b) a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government or by persons engaging in any profession or employment ;

(9) the petition makes a proposal regarding legislation which the local Government is not prepared to support ;

(10) the petition is a representation against the action of a private individual or of a body of private individuals regarding the private relations of the petitioner and such individual or body ;

(11) the petition, not being a petition such as is referred to in the proviso to clause (6), relates to matters in which the petitioner has no direct personal interest ;

(12) the petition relates to a subject on which the local Government is competent to pass orders, and no application for redress has been made by the petitioner to the local Government ;

(13) the petition is a representation against an order communicated to the petitioner more than six months before the submission of the petition and no satisfactory explanation of the delay is given ;

(14) the petition is a representation against failure to exercise a discretion vested in the local Government ;

Provided that no petition submitted by—

(a) a member of an All-India Service ;

(b) an officer holding the King's Commission on the active list of the Regular Army, the Royal Air Force or the Royal Indian Marine ; or

(c) a person appointed by the Secretary of State for India in Council,

on the ground that he has not been selected for a selection post, shall be withheld ;

(15) the petition is a representation against the discharge of a person—

(a) appointed on probation, during such probation ;

(b) appointed, otherwise than under contract, to hold a temporary appointment, on the expiration of the period of such appointment ; or

(c) engaged under contract, in accordance with the terms of such contract ;

(16) the petition is a representation by a Government servant against an order—

(a) from which he has exercised, or possesses, a right of appeal under—

(i) rules or orders regulating his conditions of service ; or

(ii) the terms of his contract of service ;

(b) passed by any authority in the exercise of appellate or revisional powers conferred by any rule, order or contract such as is referred to in sub-clause (a) ; or

(c) from which, not being an order of punishment passed by the Governor-General in Council on an officer appointed by the Governor-General in Council, an appeal is expressly barred by any rule, order or contract such as is referred to in sub-clause (a) ;

(17) the petition is a representation relating to—

(a) the application of—

(i) rules made by the Secretary of State for India in Council under sub-section (2) of section 96-B of the Government of India Act ;

(ii) orders made by the Secretary of State for India in Council; or

(iii) the terms of the contract of service of the petitioner; or

(b) an order of the local Government refusing to grant or to recommend—

(i) a special pension;

(ii) a compassionate pension; or

(iii) any pecuniary or other concession to which the petitioner is not entitled under any law or statutory rule:

Provided that, subject to the provisions of clause (4), no petition against the interpretation by any authority, other than the Secretary of State for India in Council, of any rule, order or contract—

(A) such as is referred to in sub-clause (a); or

(B) approved by the Secretary of State for India in Council shall be withheld;

(18) the petition is submitted, otherwise than in accordance with any rule, order or contract such as is referred to in sub-clause (a) of clause (16), by a person in Government service with regard to his prospective claim to pension; or

(19) the petition is a representation with regard to any matter connected with the official prospects or position of a person in Government service, and is not submitted by such person.

8. *Petitioner to be informed when petition is withheld.*—The local Government shall, when a petition is withheld under instruction 7, inform the petitioner of the withholding and the reason therefor.

9. *List of petitions withheld.*—The local Government shall send a quarterly return to the Governor-General in Council specifying all petitions withheld under instruction 7 by the local Government, and the reasons for withholding them.

## PART IV.

### TRANSMISSION OF PETITIONS BY THE LOCAL GOVERNMENT.

10. *Procedure for transmission.*—(1) The local Government shall transmit to the Governor-General in Council all petitions not withheld under instruction 7, together with a concise statement of facts material thereto and, unless there are special reasons to the contrary, an expression of the opinion of the local Government thereon.

(2) Where the petition or any document accompanying it is not in English—

(a) if it is accompanied by an English translation, the local Government shall examine the translation and, when transmitting the petition, notify the Governor-General in Council of any defects found in the translation; and

(b) if it is not accompanied by an English translation, the local Government shall prepare such a translation and transmit it together with the petition.

## SCHEDULE.

### LIST OF AUTHORITIES INCLUDED IN THE WORDS "LOCAL GOVERNMENT".

[*See Instruction 1 (2).*]

1. Chief Commissioners.

2. The Commander-in-Chief in India and Army, District and Independent Brigade Commanders.

NOTE.—In the case of petitioners who are ex-soldiers and have served under more than one Army, District or Independent Brigade Commander, the local Government for the purposes of these instructions shall be the Army, District or Independent Brigade Commander who from his knowledge of the petitioner or of the subject-matter of the petition is best able to make recommendations on the petition.

3. The Air Officer Commanding, Royal Air Force in India.
4. The Flag Officer Commanding and Director, Royal Indian Marine.
5. Heads of Departments who are directly under the Government of India.
6. In respect of persons serving under the Railway Board :—

(a) as regards non-pensionable subordinate staff :—

(i) Agents
(ii) Chief Engineers
(iii) Chief Operating and Transportation Superintendents
(iv) Chief Traffic and Commercial Managers
(v) Locomotive and Carriage and Wagon Superintendents
(vi) Chief Mechanical Engineers
(vii) Superintendents of Mechanical Workshops
(viii) Chief Accounts Officers
(ix) Divisional Superintendents
(x) Controller of Railway Accounts.

} of the N. W., E. B., E. I., G. I. P. and Burma Railways.

(b) as regards other staff :—

The Railway Board.

T. SLOAN,
Joint Secretary to the Government of India.

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## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

### NOTIFICATION.

EDUCATION.

Simla, the 16th June 1933.

**No. F. 72-3/32.**—The following amended rules* for the encouragement of the study of oriental languages which the Government of India have been pleased to make in supersession of all previous rules† are published for general information. These rules will come into force six months after the date of this Notification.

I. These rules are applicable, subject to the modifications stated below, to the following officers serving directly under the Government of India :—

(i) Officers of the Indian Civil Service.
(ii) Military officers in permanent civil employ.
(iii) Officers of the Political Department.
(iv) Members of the Burma Commission.
(v) Officers of the Indian Educational Service.
(vi) Officers of the Imperial Branch of the Indian Police Service.
(vii) Chaplains of the Indian Ecclesiastical Establishment.
(viii) Officers of the Indian Agricultural Service.

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*These rules do not in any way affect the departmental examinations or language examinations which officers have to pass under the orders of the Government of India.

†Department of Education, Health and Lands, Notification No. 2421-Edn., dated the 7th November 1927.

(ix) Officers of the Indian Veterinary Service.

(x) Officers of the Indian Forest Service.

(xi) Officers of the Europe-recruited branch of the Indian Service of Engineers.

(xii) Officers of the Indian Railway Service of Engineers and Superior Revenue Establishment of State Railways.

The following restrictions will apply to officers of the Indian Educational Service, *viz.*, that a professor of any language cannot obtain a reward in that language, and that no officer will be permitted to receive rewards for passing by a given standard in more than two vernacular and two classical languages.

Chaplains are eligible only for rewards for passing examinations in the vernacular languages of the province in which they are serving, and no rewards will be given to such officers for passing in classical languages. Arabic, Persian, Sanskrit and Pali are the "classical languages", while all the rest of the languages tabulated in Rule III below are "vernacular languages."

Officers of the Indian Agricultural Service, the Indian Veterinary Service, the Imperial Forest Service, the Europe-recruited branch of the IndianService of Engineers and the Indian Railway Service of Engineers and Superior Revenue Establishment of State Railways are only eligible for rewards for passing the Higher Standard, 1st class and 2nd class interpretership examinations. Officers of the Imperial Forest Service will however continue to be eligible also for rewards for passing the Degree of Honour examination in Burmese. Officers of the Indian Agricultural Service, the Indian Veterinary Service and the Europe-recruited branch of the Indian Service of Engineers may also be admitted to the Degree of Honour examination, but only in exceptional cases when the Government of India is satisfied that it is in the interest of the public service that the Officer in question should be allowed to take the examination. In case of the Officers of the Indian Railway Service of Engineers and Superior Revenue Establishment of State Railways the Railway Board will decide in each case whether an officer should or should not be permitted to appear for the examination.

Officers serving under local Governments may, with the consent of the local Government concerned and by arrangement made by that local Government with the Board of Examiners (Army Department) appear for the examinations under these rules. Such officers will not, however, be eligible for the rewards specified in these rules unless the local Governments specifically agree to their payment.

II. Candidates may present themselves for examination only in those languages in which it would be of an advantage to the Government of India that they should qualify. A statement to this effect should be furnished by the candidate's superior officer when forwarding the candidate's application. An officer who has passed (or who may pass under any local Government's rules or the military rules) any of the tests equivalent to those admissible under these rules will not be eligible to sit for the corresponding tests in the same language under these rules.

III. Tha donations to be given to successful candidates will be as follows, subject to the conditions that (i) from all rewards, except for the Degree of Honour, any rewards previously drawn for the same language are deducted, and (ii) the grant for requalification as a 1st class interpreter, after a minimum interval of three years, will be one quarter of the reward for the original qualification :—

INTERPRETER.

| *Language.* | *Preliminary.* | *Higher Standard.* | *2nd class.* | *1st class.* | *Degree of Honour.* |
|---|---|---|---|---|---|
| | Rs. | Rs. | Rs. | Rs. | Rs. |
| Arabic .. | 300 | .. | 900 | 1,800 | 5,000 |
| Assamese .. | .. | 500 | .. | .. | .. |
| Bengali .. | .. | .. | 500 | 1,500 | .. |
| Burmese .. | .. | .. | 500 | 1,500 | 4,000 |
| Canarese (Kanarese) | .. | 500 | .. | .. | .. |
| Gujrati .. | .. | 500 | .. | .. | .. |
| Hindi .. | .. | .. | 500 | 1,500 | 3,000 |
| Malayalam .. | .. | 500 | .. | .. | .. |
| Marathi .. | .. | .. | 500 | 1,500 | .. |
| Pali .. | .. | 500 | .. | .. | 5,000 |
| Persian .. | 300 | .. | 900 | 1,800 | 5,000 |
| Punjabi .. | .. | 500 | .. | .. | .. |
| Sanskrit .. | .. | 500 | .. | .. | 5,000 |
| Sindhi .. | .. | 500 | .. | .. | .. |
| Tamil .. | .. | .. | 500 | 1,500 | .. |
| Telugu .. | .. | 500 | .. | .. | .. |
| Urdu .. | .. | .. | 500 | 1,500 | 3,000 |
| Uriya .. | .. | 500 | .. | .. | .. |

IV. No officer will be permitted to present himself for examination in the Degree of Honour test until he is qualified as a 1st class interpreter or has passed the Higher Standard examination in the particular language.

An officer may requalify in the 1st class interpretership or in the Degree of Honour examination in any language under the conditions laid down in rules XI and XV, respectively.

V. Rewards admissible under rule III will not be granted to officers whose age exceeds 40 years at the date of the original examination and 45 at the date of the requalifying examination. In the case of an examination for the Degree of Honour Standard however there shall be no limit of time and an officer will be permitted to earn a reward by passing this examination at any time within the period of his service.

VI. In no case will a reward be paid for passing any examination in the languages which is the candidate's mother tongue ; or is the school language, or is the language taken by the candidate at the University, or is well known to the educated classes of the district or province in which the candidate was born or educated or which is not so foreign to him as to render its quisition a matter of difficulty.

VII. Examinations will be held, when necessary, half-yearly on the first Monday in April and October of each year by the Secretary, Board of Examiners (Army Department) at Delhi.

In Madras, examinations in Malayalam, Tamil and Telugu will be held half-yearly in January and July by the Board of Examiners, Madras.

In Bombay, examinations in Canarese (Kanarese), Marathi, Gujrati and Sindhi will be held half-yearly by the Civil and Military Examination Committee on the first Monday in April and October.

Examinations in Burmese and Pali will be held yearly in November at Rangoon by the Central Examination Committee.

Whenever the day or date laid down for an examination falls on a Government of India closed holiday, the examination will be held on the same day of the following week ; if this day is also a Government of India closed holiday, the examination will be held on the next working day thereafter.

In addition to the biannual examinations held at Delhi, the Secretary to the Board of Examiners (Army Department), Delhi and Simla, will conduct examinations twice annually at Calcutta, Lucknow and Lahore in March or April and in September or October, as necessity may arise. The exact date of the examination will be notified to intending candidates on application to the Secretary, Board of Examiners Army Department), Delhi and Simla.

Applications, through the Head of the Department, should reach the Board of Examiners (Army Department) or the Examination Committee concerned at least one month before the date of the examination.

An officer who has been granted permission to appear for an examination but decides not to avail himself of it should intimate his decision to the Board of Examiners or the Examination Committee concerned at least ten days before the date of the examination.

VIII. The books recommended for study in the various languages are given in Rules XVI and XVII. Except in the Interpretership examinations in Hindi and Urdu and the Degree of Honour examinations, or as otherwise specified in the following rules, there are no text books, and the passages set in the examinations will be selected at the discretion of the examiners.

In those examinations for which text books are prescribed, the passages set will be selected partly from the text books and partly from other suitable books, periodicals, etc.

IX. The Syllabus and standard of qualification for the preliminary examination shall be as follows :—

## LANGUAGES—*Arabic and Persian.*

PART I.—*Oral.*

| | Marks. |
|---|---|
| *Conversation.*—Conversing with a native of the country with reasonable fluency and accuracy on general topics of a simple kind .. .. .. | 100 |
| (In Arabic any form of the spoken languages, except Moorish, will be accepted ; in the case of Persian the modern language must be used ; Indian or Afghan Persian will not be accepted in either oral or written tests.) | |
| PART II.—*Written.* | |
| *Translation.*—Translation from and into the language of simple unseen passages or sentences .. .. .. .. .. .. | 100 |
| (The translation into Arabic should be marked with the vowel points.) | |
| Total marks .. | 200 |

X. The Syllabus and standard of qualification for the Higher Standard examination shall be as follows :—

(A)

*In languages other than Pali and Sanskrit.*

PART I—*Oral.*

| | Marks. |
|---|---|
| (a) *Viva Voce* translation of English sentences .. .. .. | 50 |
| (b) *Viva Voce* translation of Vernacular sentences .. .. .. | 50 |
| (c) Reading and translating simple letter .. .. .. .. | 50 |
| (d) *Conversation.*—Conversing with reasonable fluency and accuracy with a local inhabitant unacquainted with English, on general topics of a practical nature .. .. .. .. .. | 100 |
| Total .. | 250 |

PART II.—*Written.*

*Time allowed—three hours.*

| | |
|---|---|
| (a) Written translation of passages from English into the Vernacular, half of which will be taken from the English translation of the text book .. .. | 100 |
| (b) Written translation of passages from the Vernacular into English, half of which will be taken from the text book .. .. .. .. | 100 |
| Total .. | 200 |
| Total marks .. | 450 |

NOTE—As regards the text book referred to above, candidates are advised to get in touch with the Secretary, Board of Examiners, Army Headquarters, Simla.

In order to pass, a candidate must obtain 60 per cent. of the total marks in each of Parts I and II. The examination of candidates who fail to pass in Part I will not be proceeded with. Failure in one part will entail re-examination in both parts.

(B)

SANSKRIT—

(a) Construing, with readiness and accuracy, from the prescribed text-book—the "Riju Pathá", Parts I, II and III, by Iswar Chandra Vidyāsāgar.

(b) Translating accurately and with correctness of idiom and grammar not less than half an ordinary octavo page of plain English into Sanskrit.

(c) Reading manuscripts fairly and translating them readily and correctly. They should not be written with the clearness of a printed book, nor yet in a very cramped or crabbed hand, but in such a manner as fairly and honestly to represent the written characters generally employed.

(d) *Viva Voce* translation into Sanskrit of a paper of English sentences.

Grammar recommended :—

Max Muller's Sanskrit Grammar edited by Macdonell,

(C)

PALI.—

(a) Construing, with readiness and accuracy, from the undermentioned books—

(i) Anderson's Pali Reader up to page 60.

(ii) The Dathavamsa—(Pali Text Society's edition).

(b) Translating accurately and with correctness of idiom and grammar not less than half an ordinary octavo page of plain English into Pali.

(c) *Viva Voce* translation into Pali of a paper of English sentences.

(d) Grammar and Philology : a paper of questions based upon the "Practical Grammar of Pali" (by Duroiselle) omitting derivation and prosody and the "Hand Book of Pali" (by Frankfurter) will be set in these subjects,

Candidates to be successful in the above examinations in Sanskrit and Pali must obtain 50 per cent. of the marks in the aggregate and not less than 60 per cent. of the marks in conversation and 35 per cent. of the marks in each of the other subjects.

XI. The Syllabus and standard of qualification for the Interpretership examination shall be as follows :—

(A)

*Arabic and Persian.*

PART I.—*Oral.*

(To be conducted, whenever possible, through the medium of an educated native.)

In Arabic any form of the spoken language, except Moorish, will be accepted and in the case of Persian, the modern language must be used.

Indian or Afghan Persian will not be accepted in either Oral or Written test.

| | MARKS. |
|---|---|
| 1. *Conversation* .. .. .. .. | 70 |
| 2. *Reading Manuscript.*—Reading short manuscript letters, notes, telegrams, etc., and dictating answers thereto .. | 20 |
| 3. *Technical Terms.*—Knowledge of technical and local terms (including titles of local officials and terms of etiquette in dealing with them, terms used in travel, transport duties, collection of supplies, etc,) .. | 20 |
| 4. *Oral Translation.*—A passage in the language of an ordinary everyday style will be placed in the hands of the candidate, who will translate it aloud .. | 20 |
| 5. *Oral Composition.*—An English passage of an ordinary everyday style will be placed in the hands of the candidate, who will translate it aloud into the language .. .. .. .. | 20 |
| Total .. | 150 |

PART II.—*Written.*

(The translation into Arabic should be marked with vowel points.)

| | |
|---|---|
| 6. *Translation.*—Translation into English, from the language, of unseen passages .. .. | 25 |
| 7. *Composition.*—Translation into the language, of unseen English passages .. .. .. | 30 |
| 8. *Manuscript.*—Translating into English, Manuscript correspondence, official or private .. .. | 15 |
| 9. *Letter.*—Writing a private or official letter in the language, a precis being given .. .. | 30 |
| | 100 |
| Total marks .. | 250 |

(B)

*In languages other than Arabic and Persian.*

PART I.—*Oral.*

(To be conducted, whenever possible, through the medium of an educated native of the country concerned.)

| | MARKS. |
|---|---|
| 1. *Conversations*— | |
| (a) Translating *viva voce* with readiness a paper of English sentences read out by the local examiner .. | 15 |
| (b) Translating *viva voce* with readiness a paper of conversational sentences in the language read out or spoken by a native of the country .. .. .. | 15 |

| | Marks. |
|---|---|
| (c) Conversing with a native of the country with such fluency, correctness of grammar, idiom and pronunciation as to be at once intelligible. Subjects should deal with general questions of a difficult but practical nature .. | 40 |
| 2. *Reading Manuscript*,—Reading short manuscript reports, notes, telegrams, etc., and dictating answers thereto | 20 |
| 3. *Technical Terms*.—Knowledge of technical and local terms (including titles of local officials and terms of etiquette in dealing with them, terms used in travel, transport duties, collection of supplies, etc,) .. | 20 |
| 4. *Oral Translation*.—A passage in the language of an ordinary everyday style will be placed in the hands of the candidate, who will translate it aloud, into English .. .. .. .. | 20 |
| 5. *Oral Composition*.—An English passage of an ordinary everyday style will be placed in the hands of the candidate, who will translate it aloud into the language | 20 |
| | 150 |

PART II.—*Written*.

| | |
|---|---|
| 6. *Translation*.—Translation into English, from the language of unseen passages. (Time allowed—1½ hours) .. | 25 |

NOTE.—In the case of Hindi, Punjabi and Urdu, half the passages will be taken from the books recommended for study.

| | |
|---|---|
| 7. *Composition*.—Translation into the language of unseen English passages. (Time allowed—1½ hours) .. | 30 |
| 8. *Manuscript*.—Translation into English of official and private correspondence (manuscript) (Time allowed—1 hour).. | 15 |
| 9. *Letter*.—Writing a private or official letter in the language, a precis being given. (Time allowed—1 hour) .. | 30 |
| | 100 |
| Total marks .. | 250 |

The examination will last for two days. The oral part will be taken on the first day and the written part on the second day. The examination hours on the first day for the oral test shall be from 10 A.M. to 1 P.M. and 2 to 5 P.M. On the second day for the written test they shall be divided as below:—

| | |
|---|---|
| Translation into English .. .. .. | 10 to 11-30 A.M. |
| Translation from English .. .. .. | 11-30 A.M. to 1 P.M. |
| Translating manuscript .. .. .. | 2 to 3 P.M. |
| Letter .. .. .. .. | 3 to 4 P.M. |

*Arabic and Persian*.—80 per cent. of the total marks must be gained for the qualification of 1st class interpreter. A candidate gaining less than 80 per cent. and not less than 60 per cent. will be classified as 2nd class interpreter.

*Languages other than Arabic and Persian.*

80 per cent. of the total marks with not less that 60 per cent. in Part II must be gained for the qualification of 1st class interpreter. A candidate gaining less than 80 per cent. of the total marks, with not less than 60 per cent. in each of Parts I and II, will be classified as a 2nd class interpreter.

To requalify as a 1st class interpreter, an officer will be required to gain 80 per cent. of the total marks allotted to subjects 1, 2, 3, 4 and 5 of the syllabus for languages.

An officer may requalify as a 1st class interpreter after an interval of three years. An officer who is a 2nd class interpreter may present himself at any time for the interpretership examination with a view to his qualifying as a 1st class interpreter.

If he fails to reach the 1st class standard, but again qualifies as a 2nd class interpreter, he will not be eligible for any further grant of reward under rule III.

XII. The following are the subjects for the Degree of Honour examination :—

(*a*) A written examination in the prescribed books.

(*b*) Written translation into English of difficult unseen passages in prose.

(*c*) Translating into the language a difficult passage (or passages) in English with such accuracy, elegance and idiomatic excellence as shall show eminent proficiency in the language.

NOTE.—The translation into Arabic should be marked with the vowel points.

(*d*) Written translation into English of difficult unseen passages in verse.

(*e*) A paper in History and Religion and History of Literature.

NOTE.—This rule applies to Arabic, Persian, Sanskrit and Pali.

(*f*) A paper on Rhetoric, Prosody and Philology.

NOTE 1.—Candidates will be required to know the general system of prosody including forms of poetry and rhyme connected with the language.

NOTE 2.—This rule applies to Arabic, Persian, Sanskrit and Pali.

(*g*) A paper on Rhetoric, Prosody, Philology and History of Literature.

NOTE 1.—Candidates will be required to know general system of prosody including forms of poetry and rhyme, connected with the language.

NOTE 2.—This rule applies to languages other than Arabic, Persian, Sanskrit and Pali.

(*h*) A short composition in the languages in the form of a letter or an essay on one of three or four given subjects.

(*i*) Conversation with a native of the country. The candidate will be expected to speak fluently and accurately. There will be no examinations in conversation in Sanskrit or Pali.

(*j*) Reading and translating at sight difficult manuscripts in the language.

(*k*) *Viva voce* translation at slight into the language of a paper in English placed before the candidate. This translation as it is made will be written by a member of the Board as dictated by the candidate, who will be permitted to correct his translation when completed upon its being read out to him by the examiner. The time occupied in this exercise will be taken into account in awarding marks.

XIII. The Degree of Honour examination will be of a searching nature, and the exercises, both oral and written, must be performed with such excellence as distinctly to establish a claim to eminent proficiency.

XIV. The time table for the Degree of Honour examination will be as follows :—

*First day.*—Text Books (10 A.M. to 1 P.M.).

Unseen Prose (2 to 5 P.M.).

*Second day.*—Translation from English (10 A.M. to 1 P.M.).

Unseen Poetry (2 to 5 P.M.).

*Third day.*—(For Arabic, Persian, Sanskrit and Pali).

History of Religion and History of Literature (10 A.M. to 1 P.M.).

Prosody, Rhetoric and Philology (2 to 4 P.M.).

Composition (4 to 5 P.M.).

(For languages other than Arabic, Persian, Sanskrit and Pali.)

Rhetoric, Prosody, Philology and History of Literature (10 to 12 NOON).

Composition (12 NOON to 1 P.M.).

Oral (2 to 5 P.M.).

*Fourth day.*—(For Arabic, Persian, Sanskrit and Pali).

Oral (10 A.M. to 1 P.M.).

XV. Successful candidates for the Degree of Honour will be arranged in two divisions according to the number of marks obtained. For the first division, 80 per cent. of the marks must be obtained in the aggregate and not less than 60 per cent. in any one paper; for the second division, 60 per cent. must be obtained in all subjects and not less than 45 per cent. in any one paper. The full reward and diploma signed by His Excellency the Viceroy will be granted only to candidates passing in the first division and their names only will be published in the *Gazette of India*. Candidates passing in the second division will be granted half the reward fixed for the first Division. A candidate who has passed in the second division may appear again in the same test in that language after an interval of two years and if he passes in the first division receive half the original reward prescribed for the first division as well as the diploma.

A candidate who has passed the Degree of Honour in any language in the First Division may appear again in the same test in that language after an interval of five years and if he passes in the First Division, receive half the reward prescribed for that Division.

XVI. The following are the books recommended for study in the Interpretership examination except in the Interpretership examinations in Hindi, and Urdu. In the case of Arabic and Persian, both for the Preliminary and Interpretership examinations, candidates are advised to get in touch with the Secretary, Board of Examiners, Army Head Quarters, Simla, who will give them advice on which books they should buy, etc.

BENGALI—

INTERPRETERSHIP—

1. Svarnalata. (A domestic novel.) By Tarak Nath Ganguli. (English Translation by D. C. Roy.)*
2. Durges Nandini. (A historical novel.) By Bankim Chandra Chatterjee (English translation by C. C. Mukerjee.)*
3. Madhvi Kankan. (A historical novel.) By Romesh Chandra Dutt. (Enlish version under the title of the Slave Girl of Agra by the Author.)*
4. Subha Vivaha.*

*Grammar*—

1. Manual of the Bengali Language. By G. F. Nicholl.*
2. Manual of Colloquial Hindustani and Bengali in the Roman Character, by Rai Sahib N. C. Chatterjee, Superintendent, office of the Board of Examiners (Army Department).*

*Periodicals*—

1. *Basumati*. (Calcutta.)
2. *Bangavasi*. (Calcutta.)
3. *Bharatvarsa*. (Calcutta.)

BURMESE—

INTERPRETERSHIP—

1. Mahawthata Zattawgyi Wuttu.†
2. Widura Zattawgyi Wuttu.†

*Grammar*. J. E. Bridges' Burmese Garammar.†

*Newspapers*—

1. *Knowledge*.†
2. *The Sun*.†

*The New Light of Burma*.†

HINDI—

INTERPRETERSHIP—

*Text Books*—

1. Mahabharat (pages 1—237), by Ma habir Prasad Dwivedi.
2. Prem Dwadashi, by Prem Chand.

*Grammar*.—Edwin Greaves Modern Hindi Grammar.‡

Hindi Manual by F. Pincott.

* Obtainable from Gurdas Chatterjee and Sons, 201, Cornwallis Street, Calcutta.

† Obtainable from principal booksellers in Burma.

‡ Obtainable from the principal booksellers.

MARATHI—

INTERPRETERSHIP—

*Literature*—

1. Seventh Marathi Departmental Reader.
2. Shushil Yamuna. By Mr. Phadke.
3. Jaga he trividh ahe. By Mr. Gokhale.
4. Pan Lakshat kongheto? By Mr. Apte.

*Grammar*—

1. Bhide's Marathi Grammar.
2. The Revd. Navalkar's Grammar.

*Periodical.—The Dnyan Parkash.* (A newspaper published in Poona.)

TAMIL—

INTERPRETERSHIP—

*Literature*—

1. Kamalambal Charitram. By B. R. Rajam Ayyar. (Available at the Ripon Press, Madras.)
2. Sivaj anam. By Rai Sahib T. M. Ponnuswami Pillai. (Available at the Ripon Press, Madras.)
3. Tamil Fourth Reader. By E. Marsden. (Macmillan and Company, Madras.)

*Grammar*.—First Catechism of Tamil Grammar. By Dr. Pope. (Higginbotham and Company.)

*Periodical.—The Swadesamitran* (newspaper) published by T. S. Viswanatha Ayyar, Desabhandu Buildings, Nos. 3 and 4, White Road, Royapettah, Madras.

URDU—

INTERPRETERSHIP—

*Text Books*—

1. Guldasta-i-Urdu* (official edition).
2. Dehati Suqrat* (Urdu edition).

*Grammars*—

1. Azizur Rahman's Conversational Exercises and its English Translation.*
2. Phillotts' Hindustani Stumbling Blocks.*
3. Platt's Hindustani Grammar.*

XVII. The following are the text-books prescribed for the Degree of Honour examination :—

ARABIC—

(*a*) *Language Test*—

Rannat-ul-masalis wal Masani.†

Two volumes (Beyrout).

Hamasah † 1st two books.

Sab'a Mu'allaqat. (Official edition, Eng. Trans. by Captain Johnson).

Maqamat-il-Hariri—first half.

(Official edition, English Translation by Chenery and Steingass).

*N. B.*—Prosody and Rhetoric should be studied. The "Ilam-ul-Adab" published in two volumes at Beyrout, is recommended.

* Obtainable from principal booksellers.
† Obtainable from the Asiatic Society of Bengal, Calcutta.

(b) *Muhammadan History and Religion*—

Muir : Life of Mahomet.*
Rise, Decline and Fall of the Caliphate (Muir).
The Holy Koran (Ahmadiyya edition).

(c) *Arabic Literature*—

Nicholson's Literary History of the Arabs (Heinemann).*

BURMESE—

Vijaya Jataka.†
Paramigan, if in print, if not, Studhammasara Kogan Pyo.†
Bhuridat Zatpaung.†
Vidura Pyo.†

HINDI—

Satya Harischandra, by Bharatendu Harischandra. (Khargavilas Press, Bankipore).

Hindi Nawaratna, by Ganesh Vihari, Shyam Vihari and Sukadeva Vihari Misra (Ganga Pustak Mala, Aminabad, Lucknow).

Ramayana, by Tulsidas, published by the Nagripracharini Sabha under the title "Ramcharitamanasa," Bala Kanda and Uttara Kanda, (Indian Press, Allahabad).

Vinaya Patrika, by Tulsidas (Indian Press, Allahabad).

The Satsaiya of Bihari first 379 Dohas, Dr. Grierson's edition.*

PALI—

(a) *Language Test*—

Mahavamsa,‡ Volume I of Geiger's edition.
Milandapanha.‡
Dhiganikaya. (Páli Test Society's edition, Volume I).§
Mahaparinibbanasutta.†

The following are recommended for reference :—

Turnour's Mahavamsa.§
Vinayapitaka, Volume I.§
Muller's Páli Grammar.‡
A. H. Sayce's Introduction to the Science of Language.§
Whitney's Life and Growth of Language.§

(b) *Buddhism*—

Rhys David's Buddhism (Non-Christian Religions Series).§
Rhys David's Hibbert Lectures.§
Kern's Manual of Buddhism.§

(c) *Pali Literature*—

Mrs. Mabel Bode :§ Páli Literature of Burma.

PERSIAN—

(a) Language Test—

*Prose*—

Akhlaq-i-Jalali, official edition. (English Translation by W. T. Thompson).‖
Waqayi'i Ni'mat Khan-i-'Ali (official edition).‖
Yaki Bud Wa Yaki Na Bud.
Chahar Maqala (Luzac and Co.).
Iran Bastani by Hussain Pirnia.

*Poetry*—

Diwan-i-Hafiz,‖ official edition. (English Translation by Payne and Clarke).
Masnavi of Rumi, Book II.¶ (English Translation and commentary by Wilson (Probasthain and Co., London).
Shah Nama,‖ official edition. (English Translation by Warner, Trubner's Oriental series).

* Obtainable from principal booksellers.
† Obtainable from Hanthawaddy Press, Rangoon.
‡ Obtainable from Messrs. C. X. de Souza and Co., York Road, Rangoon.
§ Obtainable from Messrs. Luzac and Co., 46, Great Russell Street, London, W. C., or Messrs. Probsthain and Co., 41, Great Russell Street, London, W. C.
‖ Obtainable from the Asiatic Society of Bengal, Calcutta.
¶ Obtainable from Haji Agha Shirazi, Jail Road, Bombay.

Qasā'id-i-Qā'ani,* official edition.

N. B.—Persian Prosody and Rhetoric should be studied. The following works are recommended :—

The Hadā'iqu-l Balāghat. (Newal Kishore Press, Lucknow.)

"Rhetorique et Prosodie",* by Garcin de Tassy.

(b) Muhammadan History and Religion—

A History of Persia—2 volumes—3rd edition (Sykes).

Rise, Decline and fall of the Caliphate (Muir).

Muir's Life of Mahomet.†

(c) Persian Literature—

Brown : A Literary History of Persia (4 vols.)†

*Manuscripts.*—Specimens of Persian Manuscripts (official edition).

SANSKRIT—

(a) *Language Test*—

Hymns from the Rigveda, edited by Dr. Peterson (Bo. Sk. Series No. 36—Govt. Central Book Depôt, Bombay.)

Chāndogya Upanishad‡—Chapters V and VI.

Manu Smriti‡—Chapters II, IV and VII.

Kirātārjjunnīyam‡—Cantos I to IV.

Kālidās's Sakuntāla.‡

Kādambari, Part I, edited by Dr. Peterson (Bo. Sk. Series No. 24—first 100 pages.) (Govt. Central Book Depôt, Bombay.)

(b) *Indian History and Religion*—

Vincent A. Smith's Early History of India, including Alexander's campaigns (latest edition.)§

Monier William's "Hinduism."

Monier William's "Budhism."§

(c) *Sanskrit Literature*—

Macdonell's History of Sanskrit Literature.§

*Grammars, etc., recommended*—

Kale's Higher Sanskrit Grammar.§

Apte's Guide to Sanskrit Composition.§

URDU—

*Prose*—

Taubatu-n Nasūh (Newal Kishore Press, Lucknow).

Fasana-i-Azad, Volume II (pages 1—200).

Urdu-i-Mūallā of Ghālib, official edition (pages 1—200.)§

*Poetry*—

Masnaviyat-i-Sāuda.

Nazm-i-Muntakhāb.

Bāng-i-Dara (Iqbal).

*History of Literature*—

Ab-i-Hayat.

A History of Urdu Literature by R. B. Saxena.

*Rhetoric and Prosody*—

Taqwim-ul-Uruz wal Qawafi.

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* Obtainable from the Asiatic Society of Bengal, Calcutta.
† Obtainable from Haji Agha Shirazi, Jail Road, Bombay.
‡ Obtainable from Messrs. Gopal Narain & Co., Booksellers, Kalbadevi Road, Bombay.
§ Obtainable from principal booksellers.

G. S. BAJPAI,

Secretary to the Government of India.

## ARMY DEPARTMENT.

Simla, the 24th June 1933.

### PART B.

FUNDS.

**No. 383.**—In the Matter of the Charitable Endowments Act, VI of 1890.

In The Matter of the Silver Wedding Fund.

Whereas the Administrators of the above-mentioned Fund have resolved to apply and employ the sum of Rs. 1,25,000 of the capital of the said Fund for the purposes specified in the scheme for the administration of the said Fund.

And Whereas the Administrators are desirous that the securities of the said Fund mentioned in the schedule hereto (being a portion of the securities of the said Fund) should be sold and the proceeds paid to the Administrators.

Now Therefore in pursuance and by virtue of Section 10 of the said Act the Governor-General in Council hereby directs the Treasurer of Charitable Endowments for the territories subject to the Government of the Punjab to sell the securities mentioned in the said Schedule, and to pay the proceeds of the said sale to the Administrators of the said Fund to be applied and employed by the Administrators for the purposes specified in the said scheme.

THE SCHEDULE ABOVE REFERRED TO.

Government of India 4 per cent. loan, 1960-70 of the face value of Rs. 1,25,000.

G. R. F. TOTTENHAM,

Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATIONS.

Simla, the 22nd June 1933.

**No. M.-1055.**—In exercise of the powers conferred by section 29 of the Indian Mines Act, 1923 (IV of 1923), the Governor-General in Council is pleased to direct that the following further amendments, having been previously published as required by sub-section (1) of Section 31 of the said Act, shall be made in the Indian Coal Mines Regulations, 1926, namely :—

I. In regulation 15—

(*i*) For the proviso to sub-regulation (1) the following proviso shall be substituted, namely :—

" Provided that where plans have been prepared on any other scale before the passing of these regulations, the Chief Inspector may on application by the owner, agent or manager permit such plans to be maintained on that scale."

(*ii*) For sub-regulation (4) the following sub-regulation shall be substituted, namely :—

" (4) The plans required by this regulation shall be kept in the office at the mine. They shall be accurate and shall be maintained up to a date within six months ; provided that where any mine or seam is abandoned or the working thereof has been discontinued the plan shall, before such abandonment or immediately after such discontinuance, be brought up to date to the time of abandonment or discontinuance, as the case may be, unless such abandonment or discontinuance has been caused by circumstances beyond the control of the owner, agent or manager, in which case the fact that the plan is not up to date shall be recorded on it."

II. For regulation 75 the following regulation shall be substituted, namely :—

" 75. Where work is being done in any seam or part of a seam below another seam or part of a seam which contains or may contain an

accumulation of water, or where work is being done in an upper seam or part of an upper seam which is at a lower level than any part of a lower seam which contains or may contain an accumulation of water, adequate precautions shall be taken against such an irruption of water into the seam where work is being done as would be likely to endanger the lives of the workmen in the mine."

III. After regulation 75, the following regulations shall be inserted namely :—

"75-A. When the owner, agent or manager of a mine intends or proposes by introducing water from the surface, or from any other part of the mine, or from an adjacent mine, to flood any part of the workings of his mine he shall give in writing not less than seven days' notice of his intention to commence such operations to the Chief Inspector and to the management of all adjacent mines and such other mines as might be affected by such flooding :

Provided that the Chief Inspector may by order in writing—

(a) permit such operations to be commenced on any day prior to the expiry of seven days from the receipt of notice ; or

(b) require that such operations shall not be commenced until after the expiry of such time, not exceeding twenty days, from the receipt of notice as he may specify in this behalf.

75-B. If the operations in respect of which notice is given under regulation 75-A are not commenced within sixty days from the expiry of the period of notice of seven days therein referred to, the notice shall be deemed to have lapsed and the provisions of that regulation shall apply as if no such notice had been given."

IV. After regulation 78, the following regulation shall be inserted, namely :—

"78-A. Whenever 'crush' of pillars or any symptom of impending collapse other than that ordinarily caused by pillar extraction is detected, the owner, agent or manager of the mine shall inform the Chief Inspector forthwith."

V. In regulation 115, the words "or allow a shot to be fired" shall be omitted.

VI. After regulation 115 the following regulation shall be inserted, namely :—

"115-A. In any place in a mine in which the use of a locked safety lamp is for the time being required by or in pursuance of these regulations no shot shall be stemmed or fired by any one who does not hold a sirdar's certificate endorsed for gas testing."

A. G. CLOW,

Joint Secretary to the Government of India.

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POSTS AND TELEGRAPHS BRANCH.

The 22nd June 1933.

**No. 608-F. M./32.**—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that, with effect from the 7th July 1933, the following further amendments shall be made in the Indian Post Office Rules, 1933, namely :—

(i) For rule 2 of the said Rules, the following rule shall be substituted, namely :—

"2. The following Air Mail fees shall be chargeable in addition to postage, and in the case of a registered article in addition to the postage and registration fee, on any article of the letter mail, unregistered or registered, posted at an Indian post office within or outside the limits of British India for transmission by Indian internal air services or by the Indian section of the Trans-Indian air service or by the Imperial Airways' air service between Karachi and Bahrein or by any combination of the above-mentioned air services :—

| | |
|---|---|
| For a postcard .. .. .. | 1 anna. |
| For any other article of the letter mail .. | 2 annas per tola. |

NOTE.—The prepayment of the Air Mail fee is obligatary"

(ii) For rule 6 of the said Rules, the following rule shall be substituted, namely :—

"The following Air Mail fees shall be chargeable in addition to postage, and in the case of a registered article in addition to postage and registration fee, on any article of the letter mail (except a postcard), unregistered or registered, posted at an Indian post office within or outside the limits of British India for transmission by air by a route mentioned in the schedule :—

*Schedule of Air Mail fees.*

| Route. | Rate per half ounce or part thereof. |
| --- | --- |
| | Annas. |
| (i) India-Persia .. .. .. | 3 |
| (ii) India-Iraq .. .. .. | 4 |
| (iii) India-Palestine .. .. .. | 4 |
| (iv) India-Egypt .. .. .. | 4 |
| (v) India-Greece .. .. .. | 6 |
| (vi) India-Italy .. .. .. | 6 |
| (vii) India-France .. .. .. | 6 |
| (viii) India-England .. .. .. | 6 |
| (ix) India-Kenya and Uganda .. .. | 8 |
| (x) India-Tanganyika .. .. | 8 |
| (xi) India-Rhodesia .. .. .. | 10 |
| (xii) India-S. Africa .. .. .. | 10 |
| (xiii) India-Siam .. .. .. | 4 |
| (xiv) India-Kedah .. .. .. | 5 |
| (xv) India-French Indo-China .. .. | 5 |
| (xvi) India-Netherlands East Indies .. .. | 7 |
| (xvii) Perth-Adelaide .. .. .. | 3 |

*Exception.*—For transmission by air from Bahrein to Iraq the rate is 2 annas per half ounce or part thereof.

NOTE 1.—The combined rate of air fee and postage on a postcard for transmission by air from India by any of the routes mentioned above (with the exception of India-Kenya and Uganda, India-Tanganyika, India-Rhodesia and India-South Africa) is 4 annas.

NOTE 2.—On any article of the letter mail, registered or unregistered, posted at Aden for transmission by Air from Cairo to any port of call in Europe, Iraq or Africa the following Air mail fees shall be chargeable in addition to the ordinary postage, and in the case of a registered article in addition to the postage and registration fee.

| | Rate per half ounce or part thereof. |
| --- | --- |
| | Annas. |
| (i) Europe and Iraq .. .. .. .. | 3 |
| (ii) Kenya, Uganda and Tanganyika Territory .. .. | 7 |
| (iii) Northern and Southern Rhodesia and Portugese East Africa .. .. .. .. .. | 9 |
| (iv) Union of South Africa .. .. .. .. | 12 |

NOTE 3.—The prepayment of Air mail fees is obligatory."

J. A. SHILLIDY,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA", NEW DELHI, SATURDAY, JUNE 24, 1933.

## PUBLIC SERVICE COMMISSION (INDIA).

NOTICE.

In continuation of the Notice, dated the 25th March, 1933, relating to the competitive examination to be held on the 3rd July, 1933, for appointments as Assistants and Clerks in the First and Second Divisions of the Ministerial Establishments of the Govern-

ment of India Secretariat and Attached Offices, the following further announcements are made :—

1. The number of vacancies at present expected to be available is 12, as detailed below :—

(*i*) For open competition .......1 in the First Division and 5 in the Second Division in Attached Offices.

(*ii*) Reserved for Muslims .. ..1 in the First Division in the Secretariat and 1 in the Second Division in an Attached Office.

(*iii*) Reserved for Sikhs.......1 in the First Division in the Secretariat.

(*iv*) Reserved for Europeans and Anglo-Indians......1 in the First Division in the Secretariat.

(*v*) Reserved for Indian Christians ... ..2 in the Second Division in Attached Offices.

2. It has been decided by the Government of India that the employment of lady clerks in offices of Army and Royal Air Force Headquarters will be restricted to unmarried ladies and widows, who will be required to resign their respective appointments on marriage, or remarriage as the case may be.

D. REYNELL,

Secretary,

Public Service Commission.

SIMLA :
The 22nd June, 1933.

506 CS—790—7-7-33—SGPP Lahore.

Registered No. L 864.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, JULY 14, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA" SIMLA, SATURDAY, JULY 1, 1933.

### FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.

SALT.

Simla, the 1st July 1933.

**No. 18.**—In exercise of the powers conferred by clauses (*a*), (*c*) and (*d*) of section 58 and by section 59 of the Bombay Salt Act, 1890 (Bombay Act II of 1890), the Governor-General in Council is pleased to make the following rules to regulate the export of table salt by sea from the Bombay Salt Works .—

1. These rules may be called the Bombay Table Salt Export and Transport Rules.

RULES FOR THE EXPORT OF TABLE SALT BY SEA TO UPGHAT PLACES FROM BOMBAY SALT WORKS *VIA* THANA PREVENTIVE STATION OR BOMBAY AND TO CALCUTTA BY STEAMER.

2. Table salt shall be issued from the salt works in the ordinary course on payment of duty and ground rent and on permits from the Sarkarkun of the Taluka and on weighment *in toto* by weigh clerks at the salt works.

3. It shall be removed to a packing factory within the precincts of the salt work where the consignment shall be tested by the Daroga of the Taluka instead of at the Preventive Station. It shall then be stored in a closed warehouse which shall be subject to the approval of the Assistant Collector of the Range. The lock and key of the warehouse shall remain with an officer of the Salt Department.

4. The average tare of each packet shall be ascertained by the Sarkarkun on a small scale to be provided by the owner of the factory and shall be stencilled on it along with the weight of its contents. Similarly the wooden cases shall also be weighed and their tare and consecutive numbers shall be stencilled on the case and also entered in a register to be maintained for the purpose. The number of packets which should contain the same quantity shall be mentioned on the top of each case. Each case shall contain the same number of packets.

5. The packing of salt in packets shall be done in the warehouse between the hours of sunrise and sunset under the supervision of a guard. On completion of this, the Daroga shall weigh all the packets and ascertain the net weight to be entered on the top of the case below its consecutive number. The Daroga shall supervise the packing of salt in cases.

6. The net quantity of salt to be removed in cases shall be communicated by the Daroga to the Sarkarkun who will issue a partition permit as also the necessary customs documents for its removal to destination by boat and rail.

7. On arrival of a consignment at the Preventive Station, the Preventive Officer thereat shall test 15 per cent. of the packages and in case of doubt, he shall open a few of the packages and weigh the cases and recover duty in case of an excess of over 1 per cent. and shall then allow the consignment to pass.

8. The owner or owners of the factory shall keep a regular account of all salt brought to and removed from the factory and the entries relating thereto shall be attested by the Daroga, Shewa, as to their correctness.

9. The factory and the accounts and the stock of salt shall, at all times, be open to inspection by the Collector of Salt Revenue, the Assistant Collector of Salt Revenue, Kolaba Range, the Sarkarkun, Shewa, and the Daroga, Shewa.

10. All refuse salt or refuse containing salt shall be effectively destroyed on or near the premises in such manner as the Daroga, Shewa, may direct.

11. Whoever commits a breach of any of these rules shall be punishable with fine which may extend to rupees two hundred and in default of payment of the fine, with simple imprisonment for a term which may extend to one month.

RULES FOR THE EXPORT OF TABLE SALT BY SEA LOOSE IN 2 MAUND WOODEN OR TIN CONTAINERS FROM THE BOMBAY SALT WORKS *VIA* THANA OR BOMBAY OR TO CALCUTTA BY STEAMER.

12. The salt shall be weighed out by a weigh clerk and filled into containers, each containing not more than 2 maunds in weight. The tare of the container shall be ascertained by the weigh clerk.

13. The Sarkarkun, Shewa, shall issue permits as usual on payment of duty, showing therein the total quantity and number of containers and the quantity of each of them. The weight of the salt contained in each container, together with its tare shall be stencilled on the lid of the container and the Daroga, Shewa, shall attach to the permit, a list of cases despatched showing therein the consecutive number and the tare of each container.

14. On arrival of a consignment at the Preventive Station, the Preventive Officer thereat shall test 15 per cent. of the cases and in case of doubt, shall open a few of the cases and weigh them, duty being recovered in case of any excess of over 1 per cent. and then allow the consignment to pass.

15. Whoever commits a breach of any of these rules shall be punishable with fine which may extend to rupees two hundred and in default of payment of the fine, with simple imprisonment for a term which may extend to one month.

J. B. VACHHA,

Joint Secretary to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATION.

(REGISTRATION OF ACCOUNTANTS.)

Simla, the 1st July 1933.

No. 33(1)-T. & E.-(R. A.).—In pursuance of rule 18 of the Auditor's Certificates Rules, 1932, the Register of Accountants as it stood on the 30th June 1933, is hereby published for general information :—

REGISTER OF ACCOUNTANTS.

* Indicates the names of those Accountants who hold Auditor's Certificates valid until the 31st day of March 1934.

† Indicates the names of members of the Indian Accountancy Board.

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COIMBATORE—*concld.*

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*DUTT, Ronendra Nath, M.A. LL.B., R.A.,
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DELHI.

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OTTAPALAM (South Malabar).

*THAMPAN, Kuthiravattath Kuttanunni, G.D.A., R.A.

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*SESHADRI, Mathur Sankarayyar, B.A., G.D.A., R.A.

PATNA.

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POONA.

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RANGOON—*concld.*

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TOWNSEND, Arthur John, R.A., Chartered Accountant, Messrs. Allan, Charlesworth & Co., 83, Phayre Street.

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TRICHINOPOLY.

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*RAMAN, Tattamagalam Subramania Iyer, G.D.A., R.A., Thiruvambady.

TRIVANDRUM.

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No. 33 (1)-T. & E.-(R. A.).—In pursuance of rule 37 of the Auditor's Certificates Rules, 1932, the List of Approved Accountants as it stood on the 30th June, 1933, is hereby published for general information :—

## LIST OF APPROVED ACCOUNTANTS.

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AIYAR Papanasam Narayanaswami Swaminathan, B.A, G.D.A., R.A., Messrs. P. N. S. Aiyar & Co., Post Box 367, Mount Road, Madras.

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MUKERJEE, Makhom Lall, R.A., Messrs. M. Mukerjee & Co., 95, Clive Street, Calcutta.

MUKERJEE, Monmotho Nath, R.A., Messrs. M. Mukerjee & Co., 95, Clive Street, Calcutta.

MUKERJEE, Promotho Nath, R. A. Messrs. M. Mukerjee & Co., 95, Clive Street, Calcutta.

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NARASIMHAM, Gullapalli, R.A., Messrs. G. Narasimham & Co., No. 18, Broadway, Post Box No. 24, Madras.

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SHAH, Natverlal Jekishandas, B Com., R.A., Incorporated Accountant, Messrs. Dalal and Shah, 49, Apollo Street, Fort, Bombay.

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BATLIBHOI, Jamshed Rustomji, R.A., Incorporated Accountant, Messrs. Batlibhoi and Purohit, Navsari Building, Hornby Road, Fort.

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T. A. STEWART,
Offg. Secy. to the Govt. of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Simla, the 27th June 1933.

**No. M.-1171.**—In exercise of the powers conferred by section 23 of the Indian Petroleum Act, 1899 (VIII of 1899) and in supersession of the notification of the Government of India in the Department of Industries and Labour No. M.-1171, dated the 24th October, 1925, the Governor-General in Council is pleased to limit the operation of the enactments specified in the Schedule hereto annexed in so far as the said enactments relate to the possession or transport of petroleum to the following quantities, namely :—

(a) In the case of petroleum, not being dangerous petroleum, to quantities not exceeding five hundred gallons ;

(b) In the case of dangerous petroleum to quantities of three gallons or less, placed in separate glass stone-ware or metal vessels, each of which contains not more than a pint and is securely stopped.

*The Schedule.*

1. The Bengal Municipal Act, 1932 (Bengal XV of 1932).
2. The Calcutta Municipal Act, 1923 (Bengal III of 1923).

A. G. CLOW,

Joint Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, JULY 8, 1933.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.

CUSTOMS.

Simla, the 8th July 1933.

**No. 38.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to prohibit the bringing into British India of notes of any of the following descriptions belonging to the Paper Currency Department of His Exalted Highness the Nizam's Government and forming part of a consignment which was lost at sea, namely :—

40,000 pieces of Rs. 100 each bearing Nos. P. S.-60001 to 100000.

100,000 pieces of Rs. 10 each bearing Nos. A.I.-00001 to 100000.

25,000 pieces of Rs. 5 each bearing Nos. L.Q.-050001 to 075000.

G. S. HARDY,

Joint Secy. to the Govt. of India.

## CENTRAL BOARD OF REVENUE.

NOTIFICATION.

INCOME-TAX.

Simla, the 8th July 1933.

**No. 27.**—The following draft of a further amendment to the Indian Income-tax Rules, 1922, which the Central Board of Revenue proposes to make in exercise of its powers under sub-section (1) of section 59 of the Indian Income-tax Act, 1922 (XI of 1922), is published as required by sub-section (4) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft

will be taken into consideration on or before the 31st August 1933. Any objection or suggestion which may be received in respect of the draft before the date specified will be considered by the said Board :—

*Draft amendment.*

To rule 35 of the said Rules, the following shall be added, namely :—

" For the purpose of this rule, in the case of non-resident Life Assurance Companies whose profits are periodically ascertained by actuarial valuation, the total income, profits or gains shall be computed in the same manner as is prescribed in rule 25 for the computation of income, profits and gains of Life Assurance Companies incorporated in British India."

RAM NATH,

Secy., Central, Board of Revenue.

## DEPARTMENT OF COMMERCE.

NOTIFICATION.

MERCHANT SHIPPING.

Simla, the 8th July 1933.

**No. 150-M. II (2)/33.**—In exercise of the power conferred by section 21 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the rules regulating the granting of certificates of competency to masters and mates in the mercantile marine published with the notification of the Government of India in the Department of Commerce, No. 21-M. I (2)/30, dated the 6th December, 1930, namely :—

In Appendix 1 to the said rules, under the heading " C.—*Senior Courses in Navigation* ", after the entry " Plymouth :—Plymouth Navigation School, Plymouth ", the following entry shall be inserted, namely :—

" Southampton :—University College, Southampton."

A. RAISMAN,

Joint Secy. to the Govt. of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATIONS.

EDUCATION.

Simla, the 6th July 1933.

**No. F. 34-1/32.**—Mr. J. Leitch Wilson, M.A., an Inspector of Schools in the Punjab, is appointed temporarily as Educational Commissioner with the Government of India with effect from the forenoon of the 29th June 1933, until further orders.

FOREST.

The 6th July 1933.

**No. F. 58-2/33.**—Mr. B. N. Parker, I.F.S., F.C.H., Conservator of Forests, Punjab, is appointed to officiate as Chief Conservator of Forests, Punjab and North-West Frontier Province, with effect from the afternoon of the 9th May 1933.

**No. F. 58-8/33.**—Mr. A. P. F. Hamilton, I.F.S., Punjab, is appointed as Instructor at the Rangers' College, Dehra Dun, with effect from the forenoon of the 30th June 1933.

G. S. BAJPAI,

Secretary to the Government of India.

535 CS—790—14-7-33—SGPP Lahore.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

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LAHORE, FRIDAY, JULY 21, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA", SIMLA, SATURDAY, JULY 15, 1933.

### HOME DEPARTMENT.

NOTIFICATION.

POLICE.

Simla, the 13th July 1933.

**No. F. 21/XLVI/33.**—In exercise of the powers conferred by section 17 of the Indian Arms Act, 1878 (XI of 1878), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Indian Arms Rules, 1924, namely :—

In the first column of Schedule VII to the said Rules, in entry (1)—

(*i*) In clause (*a*) after the words " Indian Territorial Force " the words " or in the Indian State Forces " shall be inserted ;

(*ii*) in clause (*b*) after the words, figures and brackets " Indian Army Act, 1911 (VIII of 1911) " the words " and any Indian Officer of the Indian State Forces," shall be inserted.

M. G. HALLETT,

Secretary to the Government of India.

### CENTRAL BOARD OF REVENUE.

NOTIFICATION.

INCOME-TAX.

Simla, the 15th July 1933.

**No. 28.**—The following draft of a further amendment to the Indian Income-tax Rules, 1922, which the Central Board of Revenue proposes to make in exercise of the powers conferred by sub-section (*1*) of section 59 of the Indian Income-tax Act, 1922

(XI of 1922), is published as required by sub-section (*4*) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 7th September 1933. Any objection or suggestion which may be received in respect of the draft before the date specified will be considered by the said Board.

DRAFT AMENDMENT.

In Note 5 (*b*) of the notes appended to the statement of total income in rule 19 of the said Rules for the words " in such a form", the words " on the mercantile accountancy or book profits system ", shall be substituted.

RAM NATH,

Secretary, Central Board of Revenue.

## DEPARTMENT OF COMMERCE.

NOTIFICATION.

REGISTRATION OF ACCOUNTANTS.

Simla, the 15th July 1933.

**No. 35 (1)-T. & E.**—In pursuance of rule 39 of the Auditor's Certificates Rules 1932, it is hereby notified that the Governor-General in Council has been pleased to remove from the List of Approved Accountants published with this Department's notification No. 33 (1)-T. & E. (R. A.), dated the 1st July 1933, the names of the following gentlemen who have ceased to practise as public accountants, namely :—

" Mr. Narendra Kumar Majumder, M.A., G.D.A., R.A., Registrar of Joint Stock Companies, Bengal, 3, Government Place, West, Calcutta."

" Mr. Graham Fraser Ross, R.A., Chartered Accountant (Glasgow), Messrs. Fraser and Ross, 17, Armenian Street, Madras."

T. A. STEWART,

Offg. Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

AGRICULTURE.

Simla, the 13th July 1933.

**No. F. 24-5/33.**—Mr. H. B. Moore of the Bombay Company, Limited, has been nominated by the Bombay Chamber of Commerce, to be a member of the Indian Central Cotton Committee, Bombay, *vice* Sir Joseph A. Kay, Kt., resigned.

RAM CHANDRA,

Joint Secretary to the Government of India.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

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FROM THE "GAZETTE OF INDIA" SIMLA, SATURDAY, JULY 22, 1933.

### HOME DEPARTMENT.

NOTIFICATION.

POLICE.

Simla, the 20th July 1933.

**No. F. 21/XLVIII/33.**—In exercise of the powers conferred by section 17 of the Indian Arms Act 1878 (XI of 1878), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Indian Arms Rules, 1924, namely :—

In the first column of Schedule VI to the said Rules for the entries relating to item (11) the following entries shall be substituted, namely :—

" (11) (*a*) All political officers in

* * * *

(7) Punjab States.

* * * *

(9) Kashmir.

* * * *

(*d*) The Superintendent, Simla Hill States.

(*e*) The Commissioner, Ambala Division.

* * * *

M. G. HALLETT,

Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

FOREST.

Simla, the 15th July 1933.

**No. F. 2-1/33.**—Mr. H. M. Glover, Conservator of Forests, United Provinces, is transferred to the Punjab, with effect from the afternoon of the 22nd June 1933.

G. S. BAJPAI,

Secretary to the Government of India.

## ARMY DEPARTMENT.

Simla, the 22nd July 1933.

### PART B.

**No. 439.**—The following appointments are made :—

AUXILIARY FORCE, INDIA.

H. E. Sir Herbert William Emerson, K.C.S.I., C.I.E., C.B.E., I.C.S., Governor of the Punjab, is appointed Honorary Colonel of the undermentioned units, with effect from the 13th April 1933 :—

Punjab Light Horse.

The Punjab Rifles.

INDIAN TERRITORIAL FORCE.

H. E. Sir Herbert William Emerson, K.C.S.I., C.I.E., C.B.E., I.C.S., Governor of the Punjab, is appointed Honorary Colonel of the 11th Bn., 13th Frontier Force Rifles. Dated 5th June 1933.

**No. 445.**—The undermentioned officers resign their commns.:—

AUXILIARY FORCE, INDIA.

*Punjab Light Horse.*

Maj. Sir H. D. Craik, Bart, K.C.S.I. Dated 25th March 1933.

(A. D. Notn. No. 173, dated the 25th March 1933, in so far it relates to this officer, is cancelled.)

G. R. F. TOTTENHAM,

Secretary to the Government of India.

603 CS—798—28-7-33—SGPP Lahore,

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## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA" SIMLA, SATURDAY, JULY 29, 1933.

### LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 26th July, 1933.

**No. 4-IV./33-P.**—The following Statute is published for general information :—

THE GOVERNMENT OF INDIA (AMENDMENT) ACT, 1933.

(23 and 24 Geo. 5, Ch. 23.)

CHAPTER 23.

An Act to amend the provisions of the Government of India Act relating to the extension of the duration of a Governor's Legislative Council.

[28th June 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows :—

Amendment of provisions of Government of India Act as to duration of Governors' legislative councils.

1.—Proviso (*b*) to sub-section (1) of section seventy-two B of the Government of India Act which proviso enacts that the period of three years during which a Governor's legislative council is to continue to exercise its functions may in special circumstances be extended by the governor for a period not exceeding one year shall have effect as if the words "for a period not exceeding one year" were omitted therefrom.



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Short title, construction and printing.

2.—(1) This Act may be cited as the Government of India (Amendment) Act, 1933.

9 & 10 Geo. 5. c. 101.

(2) Subsection (2) of of section forty-five of the Government of India Act, 1919 (which relates to the effect of amendments to, and the printing of, the Government of India Act) shall have effect as if herein re-enacted and in terms made applicable to the amendments effected by this Act.

L. GRAHAM,

Secretary to the Government of India.

## HOME DEPARTMENT.

NOTIFICATION.

POLICE.

Simla, the 26th July 1933.

**No. F-116/IV/33.**—In exercise of the power conferred by rules 37 and 44 of the Civil Services (Classification, Control and Appeal) Rules, the Governor-General in Council is pleased to make the following rule :—

Indian Army Reservists who, before they have earned a pension under Military rules for their military service, are appointed to the civil police of administrations under the Central Government may, at the discretion of the head of the administration, be allowed to count for increments of pay in civil employ all previous military service with the colours and half of their reserve service.

M. G. HALLETT,

Secretary to the Government of India.

## FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

Simla, the 25th July 1933.

**No. 450 G.**—The Governor-General in Council is pleased to make the following amendments in the Memorial Rules published with the Notification of the Government of India in the Foreign and Political Department No. 569-G., dated the 22nd October 1928, namely :—

In part 1 of the said Rules—

(1) In rule 6—

(a) Against the words "Political Officers" an asterisk shall be inserted and the following shall be added as a footnote relating thereto, namely :—

" *Political Officers who are not Heads of Local Administrations, except the Agent to the Governor-General in the States of Western India and the Resident in Kashmir, may not exercise the discretionary power to withhold memorials of the kind referred to in clause (7) of Rule 6. "

(b) After clause (6) the following clause shall be inserted, namely :—

" (7) When the memorial refers to a case which turns entirely on questions of fact and the Political Officer and Local Government or Local Administration are in agreement.

(2) In rule 10, for clause (b) the following clause shall be substituted, namely :—

" (b) When the memorial is an appeal against an order passed by himself under the Political Courts Rules published in the Western India States Agency Notification No. 30, dated the 26th April 1926, as

amended by Notification No. 54, dated the 29th July 1932, against which no further appeal lies to the Governor-General in Council unless the Agent to the Governor-General certifies that the case is a fit one for further appeal, and he does not so certify."

B. J. GLANCY,

Offg. Political Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.

CUSTOMS.

Simla, the 29th July 1933.

**No. 40.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Finance Department (Central Revenues) No. 14-Customs, dated the 9th April 1932 namely :—

In the said Notification in Schedule I—Import Duties, for the entry in column 4 relating to serial No. 38 the following shall be substituted, namely :—

"The whole ; or, in the case of goods on which any alterations, renovations, additions or repairs involving the substitution of any new parts, have been executed, subsequent to their export—

(*i*) unless the goods are arms, so much as is in excess of the duty which would be leviable if the value of the goods were equal to the cost of such alterations, renovations, additions or repairs, and

(*ii*) if the goods are arms, so much as is in excess of 50 per cent. of the cost of such alterations, renovations, additions or repairs."

G. S. HARDY,

Joint Secretary to the Government of India.

## ARMY DEPARTMENT.

Simla, the 29th July 1933.

### PART A.

**No. 453.**—The following relinquishment, resignations and retirement are permitted, subject to His Majesty's approval :—

RESIGNATIONS.

INDIAN LAND FORCES.

*11th Bn., 15th Punjab Regiment (I. T. F.).*

Honorary Lieutenant Mehtab Ali Khan. Dated 20th April 1933.

G. R. F. TOTTENHAM,

Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Simla, the 27th July 1933.

**No. E. 10.**—Messrs. Nand Gopal Dewan and Som Nath Kapur, whose appointment to the Indian Service of Engineers in the Irrigation Branch of the Public Works Department, Punjab, as Assistant Executive Engineers on probation was announced in this Department's notification No. E.-22, dated the 2nd November 1932, are confirmed in their appointments.

J. A. SHILLIDY,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, AUGUST 5, 1933.

## HOME DEPARTMENT.

NOTIFICATIONS.

JAILS.

Simla, the 3rd August 1933.

**No. F. 103/33.**—The services of Lieutenant-Colonel F. A. Barker, O.B.E., I.M.S., Inspector-General of Prisons, Punjab, have been replaced at the disposal of the Government of the Punjab, with effect from the afternoon of the 29th June, 1933.

JUDICIAL.

The 1st August 1933.

**No. F.-438/32.**—In exercise of the powers conferred by section 14 of the Indian Motor Vehicles Act, 1914 (VIII of 1914), and in supersession of the notifications of the Government of India in the Home Department, No. F. 1148/28-Judicial, dated the 27th May 1931, and 28th September 1931, the Governor-General in Council is pleased to make the following rules :—

PART I.

*Preliminary.*

Short title.

1. These rules may be called the Motor Vehicles International Circulation Rules, 1933.

Definitions.

2. In these rules unless there is anything repugnant in the subject or context—

(*i*) " The Convention " means the International Convention relative to motor traffic concluded at Paris on the 24th day of April 1926.

(*ii*) " International Certificate " means an International Certificate issued under Article 4 of the Convention.

(*iii*) " International Driving Permit " means an International permit issued under Article 7 of the Convention.

(*iv*) " Motor cycle " means a motor vehicle supported by not more than three wheels and weighing not more than 5 cwts.

(*v*) " Competent authority " means the authority specified in rule 3 as the competent authority for the purposes of the Convention.

PART II.

*Motor vehicles leaving British India under an International Driving permit.*

Constitution and duties of the competent authority under the Convention.

3. (1) For the purposes of the Convention, the Commissioner of Police in Calcutta, Bombay, Madras and Rangoon, the Superintendent of Police in the Bombay Presidency outside the city of Bombay, and elsewhere the District Magistrate shall be the competent authority, and is hereby empowered to carry out, in accordance with and subject to the provisions of these rules, the following duties, that is to say :—

(*a*) when the owner of any motor vehicle desires to avail himself of the facilities given by the Convention during travel in any of the Contracting States mentioned in the second schedule to examine the vehicle, and if satisfied, after such examination that the vehicle is suitable, or is of a type which has been declared by the Government of India to be suitable, for use on the highway outside India, and that it fulfils the conditions specified in articles 1 to 5 of the Convention reproduced in the first schedule, to issue an International Certificate in Form A in the third schedule or in a form to the like effect ;

(b) to examine any person submitting himself for examination, and if upon examination he is found to be competent, to authorise him for the purposes of international traffic and to issue to him an International Driving Permit in Form B in the third schedule, or in a form to the like effect :

Provided that no person under 18 years of age shall be so authorised or shall receive such permit.

(2) The local Government may empower any automobile association which in its opinion is competent for the purpose to carry out the duties of the competent authority under sub-rule (1) and an automobile association so empowered may carry out the said duties in accordance with and subject to the provisions of these rules :

Provided that an International Certificate or an International Driving Permit issued by an automobile association so empowered shall be subject to counter-signature by the competent authority and shall be of no effect unless so countersigned.

Photographs to be affixed to driver's certificate.

4. Every International Driving Permit shall have a photograph of the holder approved by the competent authority affixed thereon, with the date on which the photograph was taken ; and such photograph shall be not more than one year old at the time of issuing the certificate.

Certificate or permit to be in English.

5. Every International Certificate or International Driving Permit shall be in English.

Validity of certificate or permit.

6. Every International Certificate and every International Driving Permit issued under the foregoing provisions shall be valid for a period of one year from the date of issue.

Certificate of permit to be registered.

7. The issue of every International Certificate and of every International Driving Permit shall be entered in a register to be maintained in the office of the competent authority in such form as he may consider suitable and a copy of every International Driving Permit issued with a copy of the photograph of the holder annexed shall be kept on record in such office.

Fees payable on certificate or permit.

8. (1) There shall be payable in respect of every certificate or permit issued under these rules the following fees, namely :—

| | Rs. |
|---|---|
| International Certificate .. .. | 10 |
| International Driving Permit .. .. | 10 |

Provided that in the case of a motor cycle, one-half only of the foregoing fees shall be chargeable.

(2) An automobile association empowered under sub-rule (2) of rule 3 shall be entitled to retain one-half of the fee payable for an International Certificate or an International Driving Permit in respect of which the association has discharged the examining duties assigned to the competent authority by sub-rule (1) of the said rule.

Procedure on export of vehicle.

9. (1) Every person exporting from British India to a destination outside British India, not being a destination in an Indian State, any motor vehicle, in respect of which an International Certificate exists, shall cause the said certificate to be produced for counter-signature and registration—

(i) In the case of export by sea, before the Customs-Collector at the port of export ;

(ii) in the case of export by land, before the District Magistrate having jurisdiction in the place of export.

(2) The said Customs-Collector or District Magistrate shall endorse the said certificate accordingly and shall intimate the fact to the office, if any, in which the entry of the said vehicle into British India under these rules was first registered.

## PART III.

### *Motor vehicles arriving in British India under an International Certificate.*

Application for endorsement of certificate and registration of vehicle.

10. Any person in charge of a motor vehicle landed at a port in British India, holding in respect of such vehicle an International Certificate shall produce such certificate, and apply to the Customs-Collector of the port for the endorsement of the certificate and for the registration of the motor vehicle covered thereby.

11. On receiving such an application, the Customs-Collector shall satisfy himself that the certificate was issued by competent authority; that the period of its validity has not expired, and that the vehicle corresponds with the vehicle described in the certificate and has affixed to it the distinguishing marks required to be carried by Article 5 of the Convention.

Duties of the Customs-Collector on receipt of application.

12. If the Customs-Collector is satisfied that the requirements of rule 11 have have been complied with, he shall endorse on the part of the certificate set aside for the purpose the name of the port and shall sign, seal and date the endorsement, and shall enter in a register to be maintained by him the following particulars :—

Endorsement of permit and registration of vehicle.

(a) Serial number and date of the entry in his register.

(b) Place of issue of the International Certificate.

(c) Date of issue of the certificate.

(d) Name of authority or association which issued the certificate.

(e) Full name and home address of the owner of the vehicle.

(f) Description of the vehicle (*e.g.*, motor car, motor cycle, etc.).

(g) Shape, colour, and number of seats of the body of the vehicle.

(h) Letters and numbers on the identification plates.

13. The Customs-Collector shall forward without delay a copy of every entry made in his register in accordance with rule 12 in the case of motor vehicles landed at Calcutta, Bombay, Madras and Rangoon to the Commissioner of Police, in the case of motor vehicles landed in the Bombay Presidency outside the City of Bombay, to the Superintendent of Police, and in the case of motor vehicles landed elsewhere, to the District Magistrate.

Copy of entry in register to be sent to local executive authorities.

14. The endorsement of an International Certificate and the registration of the motor vehicle covered thereby in accordance with these rules shall, during the validity of such certificate, be deemed to be in compliance with the conditions subject to which the motor vehicle may be possessed and used, and subject to the provisions of Part IV, driven, in British India by the person referred to in the certificate.

Effect of endorsement and registration.

15. Any person importing by land into British India from any place outside British India, not being a place in an Indian State, any motor vehicle, in respect of which an International Certificate exists, shall, within three days of his first arrival in British India, apply to any competent authority for the endorsement of the said certificate and the registration of the said motor vehicle, and the competent authority to whom such application is made shall proceed in the manner prescribed in rules 11—14 as if he were the Customs-Collector.

Application of rules to motor vehicles entering British India by land.

## PART IV.

*Persons arriving in British India with an International Driving Permit.*

16. (a) No International Driving Permit shall be deemed to be valid in British India unless it shall have been endorsed by competent authorsity as hereinafter prescribed.

(b) Any person in possession of an International Driving Permit may apply to any competent authority for the endorsement of the said permit.

17. On receiving such an application the competent authority shall satisfy himself that the International Driving Permit was issued by competent authority; that its period of validity has not expired ; and that the person presenting it is the person named therein.

18. If the competent authority is satisfied that the requirements of rule 17 have been complied with he shall endorse the permit as valid in British India and shall sign, seal and date the endorsement, and shall enter in a register to be maintained by him the following particulars :—

(a) Number and date of entry.

(b) Place of issue of International Driving Permit.

(c) Date of issue of said permit.

(d) Full name and home address of the holder of the permit.

(e) Category of vehicle A, B, or C for which the permit is valid.

## FIRST SCHEDULE.

ARTICLES 1 TO 8 OF THE INTERNATIONAL CONVENTION RELATIVE TO MOTOR TRAFFIC CONCLUDED AT PARIS ON THE 24TH APRIL, 1926, WITH ANNEX C THERETO.

### *General Provisions.*

ARTICLE 1.

The Convention applies to road motor traffic in general irrespective of the object and nature of the transport, subject, however, to the special national regulations regarding public passenger transport services and public goods transport services.

ARTICLE 2.

All passengers and goods-carrying motor vehicles running on any road to which the public have access, other than vehicles running on rails, are regarded as motor-vehicles for the purposes of the present Convention.

### *Conditions to be fulfilled by Motor Vehicles in order that they may be admitted to travel on a road to which the Public have access.*

ARTICLE 3.

Every motor vehicle, in order to receive international authorisation to travel on any road to which the public have access, must either have been recognised as suitable for use on any road to which the public have access after an examination by the competent authority or by an association authorised by that authority or must conform to a type approved in the same manner. The vehicle must, in any case, fulfil the following conditions :—

1. The motor vehicle must be equipped with the following :—

(a) Strong-steering apparatus which will allow the vehicle to be turned easily and with certainty.

(b) Either two systems of brakes, independent of each other, or one system of brakes with two independent means of operation, of which one means of operation will function, even if the other fails to function, provided that in all cases the system used is really effective and rapid in action.

(c) If the weight of the motor vehicle when empty exceeds 350 kilog., a mechanism by means of which the vehicle can from the driver's seat be made to move backwards under its own power.

(d) When the combined weight of the empty motor vehicle and the weight of the maximum load which it is officially declared to be capable of carrying exceeds 3,500 kilog., a special mechanism, such as can prevent, in all circumstances, the vehicle from running backwards, and in addition a reflecting mirror.

The controls and steering apparatus must be so placed that the driver can manage them with certainty and at the same time have a clear view of the road.

The machinery must be such as to work with certainty and disposed in such a way as to avoid, as far as possible, all danger of fire or explosion ; as not to constitute any sort of danger to traffic and so as not to frighten or seriously inconvenience by noise, smoke or smell. The vehicle must be equipped with a silencer.

The wheels of motor vehicles and trailer drawn by them must be fitted with rubber tyres or with some other tyres of equivalent elasticity.

The distance between the ends of the hub-caps must not exceed the maximum width of the remainder of the vehicle.

II. The motor vehicle must carry :—

1. At the front and the back, marked on plates or on the vehicle itself, the registration number which has been allotted to it by the competent authority. The registration number placed at the back as well as the distinctive mark referred to in Article 5 must be lit up as soon as they cease to be visible by the light of day.

In the case of a vehicle followed by a trailer the registration number and the distinctive mark referred to in Article 5 are repeated behind the trailer, and the regulation regarding the lighting of these marks applies to the trailer.

2. In an easily accessible position and in a form easily legible, the following particulars :—

Name of maker of chassis.

Maker's chassis number.

Maker's engine number.

III. Every motor vehicle must be fitted with an audible warning device of sufficient strength.

IV. Every motor vehicle travelling alone must, during the night and from sunset, be fitted in front with at least two white lights placed one on the right and the other on the left, and, at the back, with a red light.

For motor bicycles unaccompanied by side-car, the number of lights in front may be reduced to one.

V. Every motor vehicle must also be equipped with one or more devices capable of effectively illuminating the road for a sufficient distance ahead unless the two white lights prescribed above already fulfil this condition.

If the vehicle is capable of proceeding at a speed greater than 30 kilom. an hour this distance must not be less than 100 metres.

VI. Lamps which may produce a dazzling effect must be provided with means for eliminating the dazzling effect when other users of the road are met, or on any occasion when such elimination would be useful. The elimination of the dazzling effect must, however, leave sufficient light to illuminate the road clearly for at least 25 metres.

VII. Motor vehicles drawing trailers are subject to the same regulations as separate motor vehicles in so far as forward lighting is concerned ; the rear red light to be carried on the back of the trailer.

VIII. In so far as the limits regarding weight and dimensions are concerned, motor vehicles and trailers must satisfy the general regulations in force in the countries in which they travel.

*Delivery and Recognition of International Certificates for Motor Vehicles.*

ARTICLE 4.

With the object of certifying that every motor vehicle which has received international authorisation to travel on a road to which the public have access fulfils the conditions laid down in Article 3 or is able to fulfil them, international certificates are delivered on the model and according to the remarks contained in Annexes A and B to the present Convention (1).

These certificates are valid for one year from the date of their delivery. The written particulars which they bear must always be written in Latin characters or in so-called English script.

The international certificates delivered by the authorities of one of the contracting States or by an association authorised by them with the counter-signature of the authority give the right to travel freely in all other contracting States and are recognised therein as valid without further examination. The right to use the international certificate may, however, be refused if it is clear that the conditions laid down in Article 3 are no longer being fulfilled.

*Distinguishing Mark.*

ARTICLE 5.

Every motor vehicle, to receive international authorisation to travel on a road to which the public have access, must carry, in a visible position in the rear, a distinguishing mark consisting of from one to three letters written on a plate or on the vehicle itself.

For the purposes of the present Convention the distinguishing mark corresponds either to a State or to a territory which constitutes a distinct unit from the point of view of the registration of motor vehicles.

The dimensions and colour of this sign, the letters, their dimensions and their colour are given in the table contained in Annex C of the present Convention.

*Conditions to be filled by Drivers of Motor Vehicles before receiving International Authorisation to drive a Motor Vehicle on a Public Road.*

ARTICLE 6.

The driver of a motor vehicle must possess qualifications which provide a reasonable guarantee of public safety.

In so far as international traffic is concerned, nobody may drive a motor vehicle without having received a special authorisation delivered by a competent authority or by an association authorised by it after giving proof of his competence.

This authorisation cannot be granted to persons of less than 18 years of age.

(1) Not reproduced. The form prescribed for the International Certificate is at Form A in the third Schedule.

*Delivery and Recognition of International Driving Permits.*

ARTICLE 7.

In order to certify, for international traffic, that the conditions laid down in the preceding article have been fulfilled, international driving permits are delivered on the model and according to the remarks contained in Annexes D and E of the present Convention (1).

These permits are valid for a year from the date of their delivery and for the categories of motor vehicles for which they have been delivered.

For the purposes of international traffic the following categories have been drawn up—

A. Motor vehicles of which the combined weight of the empty vehicle and the weight of the maximum load which it is officially declared to be capable of carrying does not exceed 3,500 kilog.;

B. Motor vehicles of which the total weight, made up as above, exceeds 3,500 kilog.;

C. Motor cycles with or without a side-car.

The written remarks on international permits are always written in Latin characters or in so-called English script.

International driving permits delivered by the authorities of a contracting State or by an association authorised by them with the counter-signature of the authority authorise the holder, in all other contracting States, to drive motor vehicles which come within the categories for which they have been delivered and are recognised as valid, without re-examination, in all the contracting States. The right to use the international driving permit may, however, be refused if it is evident that the conditions prescribed in the previous article have not been fulfilled.

*Observance of National Laws and Regulations.*

ARTICLE 8.

The driver of a motor vehicle travelling in a country is bound to conform to the laws and regulations regarding traffic which are in force in that country.

An extract from these laws and regulations may be given to motorists on entry into a country at the office at which the Customs formalities are carried out.

ANNEX. C.

The distinctive sign laid down in article 5 is formed of an oval plate 30 cms. wide by 18 cms. high bearing from one to three letters painted in black on a white ground. The letters are formed of capital Latin characters. They are of a height of at least 10 cms. and their strokes are of a width of at least 15 mms.

In so far as concerns the motor cycles the distinctive sign provided for in article 5 will measure only 18 cms. horizontally and 12 cms. vertically. The letters will measure 8 cms. in height; the width of their strokes being 10 mms.

The distinctive letters for the different States and Territories are as follows :—

| | | | |
|---|---|---|---|
| Germany | D | Bulgaria | BG |
| United States of America | US | Chile | RCH |
| Austria | A | China | RC |
| Belgium | B | Colombia | CO |
| Brazil | BR | Cuba | C |
| Great Britain and Northern Ireland | GB | Denmark | DK |
| Alderney | GBA | Dantzig | DA |
| Gibraltar | GBZ | Egypt | ET |
| Guernsey | GBG | Ecuador | EQ |
| Jersey | GBJ | Spain | E |
| Malta | GBY | Estonia | EW |
| British India | BI | Finland | SF |

(1) Not reproduced. The form prescribed for the International Driving Permit is at Form B in the third Schedule.

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| | |
|---|---|
| France, Algeria and Tunis .. .. | F |
| French India .. .. | F |
| Guatemala .. .. | G |
| Greece .. .. | GR |
| Haiti .. .. | RH |
| Hungary .. .. | H |
| Irish Free State .. .. | SE |
| Italy .. .. | I |
| Latvia .. .. | LR |
| Liechtenstein .. .. | FL |
| Lithuania .. .. | LT |
| Luxemburg .. .. | L |
| Morocco .. .. | F |
| Mexico .. .. | MFX |
| Monaco .. ... | MC |
| Norway .. .. | N |
| Panama .. .. | PY |
| Paraguay .. .. | PA |
| Netherlands .. .. | NL |
| Indies .. .. | IN |
| Peru ... .. | PE |
| Persia .. .. | PR |
| Poland .. .. | PL |
| Portugal .. .. | P |
| Roumania .. .. | R |
| Territory of the Saar .. .. | SA |
| Kingdom of Serbs, Croats and Slovenes. | SHS |
| Siam ... .. | SM |
| Sweden. .. .. | S |
| Switzerland .. .. | CH |
| Syria and Lebanon .. .. | LSA |
| Czechoslovakia .. .. | CS |
| Turkey .. .. | TR |
| Union of Soviet Socialist Republics .. | SU |
| Uruguay .. .. | U |

*Note.*—Since the conclusion of the Convention the following distinctive letters have been adopted for the States named below :—

| | |
|---|---|
| Palestine ... .. | M |
| All French Colonies .. .. | F |
| Togo territory under French mandate | TT |
| Cameroon territory under French date .. .. | TC |
| Belgian Congo and territories placed under the mandate of Belgium .. | CB |
| Saint-Marin .. .. | RSM |
| Union of South Africa ... | SAU |

## SECOND SCHEDULE.

### *Contracting States.*

Great Britain and Northern Ireland.
Irish Free State.
France.
Italy.
Germany.
Austria.
Hungary.
The Netherlands.
Denmark.
Greece.
Belgium.
Bulgaria.
Portugal.
Spain.
Finland.
Iraq.
Vatican.
Syria.
Lebanon.

French Indo-China.
French West Africa.
Madgascar.
French Equatorial.
Africa.
French Togoland.
French Guiana.
French India.
Martinique.
Egypt.
Estonia.
Latvia.
Siam.
Poland.
Roumania.
Norway.
Monaco.
Luxemburg.
Morocco.

Brazil.
Sweden.
India.
Palestine.
Chile.
Malta.
Czechoslovakia.
Lithuania.
Switzerland.
Belgian Congo and territories placed under the mandate of Belgium.
Southern Rhodesia.
Gibralter.
Reunion.
Gudaloupe.
New Caledonia.
French Somaliland.

French Settlements in Oceania.
French Cameroons.
Saar Territory.
Tunis.
Cuba.
Uruguay.
The Union of Soviet Socialist Republics.
Greece.
Yugoslavia.
Angola.
Saint-Marin.
Turkey
The Union of South Africa.
Mozambique.
Free City of Dantzig.
Liechtenstein.

## THIRD SCHEDULE.

(Rule 3.)

### FORM A.

*Number* :—

BRITISH INDIA.

*International Motor Traffic.*

INTERNATIONAL CERTIFICATE FOR MOTOR VEHICLES.

*International Convention of April 24, 1926.*

*Issue of Certificate.*

Place ________________

Date ________________

Subject to the provisions of any rule made by any Contracting State in this behalf this certificate is valid, in the territory of all the undermentioned Contracting States, for the period of one year from the date of issue.

Seal of Authority.

* ________________

*Signature of competent authority, or on behalf of an automobile association empowered by the local Government with countersignature by the competent authority.

*List of Contracting States.*

| | | | |
|---|---|---|---|
| Great Britain and Northern Ireland. | Labanon. | Brazil | French Settlements in Oceania. |
| Irish Free State. | French Indo-China. | Sweden. | French Cameroons. |
| France. | French West Africa. | India. | Saar Territory. |
| Italy. | Madgascar. | Palastine. | Tunis. |
| Germany. | French Equatorial Africa. | Chile. | Cuba. |
| Austria. | French Togoland. | Malta. | Uruguay. |
| Hungary. | French Guiana. | Czechoslovakia. | The Union of Soviet Socialist Republics. |
| The Netherlands. | French India. | Lithuania. | Yugoslavia. |
| Denmark. | Martinique. | Switzerland. | Angola. |
| Greece. | Egypt. | Belgian Congo and territories placed under the mandate of Belgium. | Saint-Marin. |
| Belgium. | Estonia. | Southern Rhodesia. | Turkey. |
| Bulgaria. | Latvia. | Gibralter. | The Union of South Africa. |
| Portugal. | Siam. | Reunion. | Mozambique. |
| Spain. | Poland. | Gudaloupe. | Free City of Dantzig. |
| Finland. | Roumania. | New Caledonia. | Liechtenstein. |
| Iraq. | Norway. | French Somaliland. | |
| Vatican. | Monaco. | | |
| Syria. | Luxemburg. | | |
| | Morocco. | | |

Owner or Holder { Surname ________________ (1)

Other name ________________ (2)

Home address ________________ (3)

Class of vehicle ________________ (4)

Name and maker of chassis ________________ (5)

Type of chassis ____ (6)

Serial number of type or maker's number of chassis ____ (7)

Engine..
- Number of cylinders ____ (8)
- Engine number ____ (9)
- Stroke ____ (10)
- Bore ____ (11)
- Horse power ____ (12)

Body ..
- Shape ____ (13)
- Colour ____ (14)
- Number of seats ____ (15)

Weight of vehicle unladen (in kilog.) ____ (16)

Weight of vehicle fully laden (in kilog.) if exceeding 3,500 kilog. ____ (17)

Identification mark on the plate ____ (18)

____ (1)

____ (2)

____ (3)

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____ (10)

____ (11)

____ (12)

____ (13)

____ (14)

____ (15)

____ (16)

____ (17)

____ (18)

*Visa of Entry.*

(A) Country— (A) ____

(B) Place— (B) ____

(C) Date, etc.— (C) ____

(D) Signature— (D) ____

(E) Seal— (E)

NOTE.—In printing forms for this certificate not less than 12 blank visas of entry should be provided.

FORM B.

BRITISH INDIA.

*International Motor Traffic.*

INTERNATIONAL DRIVING PERMIT.

*International Convention of April 24, 1926.*

*Issue of Permit.*

Issued at ____

Date ____

Subject to any rules made by any Contracting States in this behalf the present permit is valid in the territory of all the undermentioned Contracting States for the period of one year from the date of issue, for the driving of vehicles included in the category or categories mentioned.

Seal of authority.

*__________________

*Signature of competent authority, or on behalf of an automobile association empowered by the local Government with countersignature by the competent authority.

*List of contracting States.*

| | | | |
|---|---|---|---|
| Great Britain and Northern Ireland. | Lebanon. | Brazil. | French Settlements in Oceania. |
| | French Indo-China. | Sweden. | |
| Irish Free State. | French West Africa. | India. | French Cameroons. |
| France. | Madgascar. | Palestine. | Saar Territory. |
| Italy. | French Equatorial Africa. | Chile. | Tunis. |
| Germany. | French Togoland. | Malta. | Cuba. |
| Austria. | French Guiana. | Czechoslovakia. | Uruguay. |
| Hungary. | French India. | Lithuania. | The Union of Soviet Socialist Republics. |
| The Netherlands. | Martinique. | Switzerland. | |
| Denmark. | Egypt. | Belgiam Congo and territories placed under the mandate of Belgium. | Yugoslavia. |
| Greece. | Estonia. | | Angola. |
| Belgium. | Latvia. | | Saint-Marin. |
| Bulgaria. | Siam. | Southern Rhodesia. | Turkey. |
| Portugal. | Poland. | Gibralter. | The Union of South Africa. |
| Spain. | Roumania. | Reunion. | Mozambique. |
| Finland. | Norway. | Gudaloupe. | Free City of Dantzig. |
| Iraq. | Monaco. | New Caledonia. | Liechtenstein. |
| Vatican. | Luxemburg. | French Somaliland. | |
| Syria. | Morocco. | | |

This permit in no way diminishes the obligation of the holder to conform strictly to the laws and regulations relating to residence or to the exercise of a profession which are in force in each country through which he travels.

*Particulars concerning the Driver.*

Photograph.

Seal of authority.

Surname__________________________(1)

Other names________________________(2)

Place of birth_______________________(3)

Date of birth_______________________(4)

Home addres________________________(5)

BRITISH INDIA.

*Exclusion.*

Mr. (surname and other names) ______

authorised as above by the authority of (country) ______

is deprived of the right to drive in (country) ______

by reason of ______

Place ______

Date ______

Seal of Authority.

*Signature* ______

*Government of* ______

*Secretary to the* ______

*Chief Commissioner of* ______

*Motor Vehicles which may be driven (appropriate column or columns to be sealed).*

| A (1) | B (2) | C (3) |
|---|---|---|
| Seal of Authority. | Seal of Authority. | Seal of Authority. |

(1) A.—Motor vehicles of which the laden weight does not exceed 3,500 kilog.

(2) B.—Motor vehicles of which the laden weight exceeds 3,500 kilog.

(3) C.—Motor-cycles, with or without side-car.

*Endorsements in Contracting States.*

(A) Country— (A) ______

(B) Place. (B) ______

(C) Date, etc. (C) ______

(D) Signature. (D) ______

(E) Seal. (E)

NOTE.—In printing forms for this permit not less than 12 blank forms of endorsement in Contracting States should be provided.

The 3rd August 1933.

**No. F. 680/33.**—In exercise of the powers conferred by sub-section (1) of section 549 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Governor-General in Council is pleased to direct that the following amendment shall be made in the rules published with the notification of the Government of India in the Home Department No F.-465/28-Judicial, dated the 27th June 1928, regulating the conditions in which persons subject to military or air force law shall be tried by a Court to which the said Code applies, or by a Court-Martial, namely :—

After rule 5 of the said rules the following rule shall be added, namely :—

"6. In these rules "competent military authority" means the Brigade commander, and "competent air force authority" means the Air Officer Commanding, Royal Air Force in India."

T. SLOAN,

Joint Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.

CUSTOMS.

Simla, the 5th August 1933.

**No. 41.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Finance Department (Central Revenues), No. 14-Customs, dated the 9th April 1932, namely :—

In the said notification, in Schedule I—Import Duties, under the head "D—Re-imported goods", to the entry in column 2 against Serial No. 45, the word "and publicity matter, such as photographs, slides and stereo blocks relating to and re-imported therewith" shall be added.

**No. 42.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the notification of the Government of India in the Finance Department (Central Revenues), No. 14-Customs, dated the 9th April 1932, namely :—

In the said notification, in Schedule I—Import Duties, under the head "A—General" and sub-head "I—*Duty generally*."

(*i*) For entries Nos. 12A and 12B, the following entry shall be substituted, namely :—

"12A Crucible steel.. So much of the duty as exceeds 20 per cent. *ad valorem* (standard) and 10 per cent. *ad valorem* (preferential)."

(*ii*) Entry No. 12C shall be renumbered 12B.

G. S. HARDY,

Joint Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

FOREST.

Simla, the 3rd August 1933.

**No. F. 235/33.**—In pursuance of the proviso to clause (*a*) of entry 6 in part II of Schedule I to the Devolution Rules and to clause (*a*) of entry 6 in Schedule II to the said rules, the Governor-General in Council is pleased to remove the following ancient monument in the Punjab, from the operation of the exception specified in each of the said clauses :—

Fort at Attock.

G. S. BAJPAI,

Secretary to the Government of India.

689 CS—798—11-8-33—SGPP Lahore.

Registered No. L. 864.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

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## PART II.

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FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, AUGUST 12, 1933.

### FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATIONS.

INCOME-TAX.

Simla, the 12th August 1933.

**No. 29.**—In exercise of the powers conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Notification of the Government of India in the Finance Department, No. 878-F., dated the 21st March 1922, namely :—

In paragraph (*a*) of the said Notification—

(1) From clause 18, the words " or to members of the Indian Police Forces or to Civil Officers serving in a civil capacity with a Military Force " shall be omitted.

(2) After clause 18 the following clause shall be inserted, namely :—

" 18 A. *Extraordinary* pensions granted to Civil Officers (excluding family pensions granted as the result of the death of such an officer) under Chapter XXXVIII of the Civil Service Regulations or the Army Regulations, India, as the case may be in respect of wounds or injuries received in the performance of their duties."

(3) From clause 19 the words " or to Civil Officers serving in a civil capacity with a Military Force " shall be omitted.

SALT.

The 12th August 1933.

**No. 20.**—In exercise of the powers conferred by clause (*b*) of section 7 of the Indian Salt Act, 1882 (XII of 1882), the Governor-General in Council is pleased to direct that

the following further amendment shall be made in the rules published with the Notification of the Government of India in the Finance Department (Central Revenues) No. 4-Salt, dated the 4th February 1928, namely :—

In rule 3 of the said rules, for the word " quarter," the words " half year " shall be substituted.

J. B. VACHHA,

Joint Secretary to the Government of India.

FROM THE " GAZETEE OF INDIA, " SIMLA, SATURDAY, AUGUST 19, 1933.

## FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

Simla, the 16th August 1933.

**No. 467-I.**—In pursuance of the First Schedule to the Indian Extradition Act, 1903 (XV of 1903), the Governor-General in Council is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Foreign and Political Department, No. 249-I, dated the 10th May 1933, declaring certain units of the Indian States Forces to be units desertion from which is an extradition offence, namely :—

Under the heading " Mysore " after the entry " Mysore Horse " the following entry shall be inserted, namely :—

" 1st Battalion Mysore Infantry."

B. J. GLANCY,

Offg. Political Secretary to the Government of India.

## FINANCE DEPARTMENT.

NOTIFICATION.

Simla, the 17th August 1933.

**No. F. LXII-R.-II./33.**—The following Resolution by the Secretary of State for India in Council is published for general information :—

" In exercise of the powers conferred by sub-section (2) of section 96-B of the Government of India Act, the Secretary of State with the concurrence of a majority of votes at a meeting of the Council of India held this eleventh day of July 1933, hereby makes the following amendment in the Fundamental Rules, namely :—

At the end of Note 1 to Fundamental Rule 56, the following words shall be added,—

' or who is appointed to be Chairman or a Member of the Public Service Commission ' "

This amendment shall have effect from the 15th March 1932.

J. B. TAYLOR,

Offg. Secy. to the Govt. of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.

INCOME TAX.

Simla, the 19th August 1933.

**No 30.**—In exercise of the power conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), the Governor-General in Council is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Finance Department (Central Revenues) No. 15 (Income-tax), dated the 8th April 1933, namely :—

In the said Notification, for the words and figures " income-tax chargeable under the head ' Salaries ' for the year 1933-34 in respect of the income of the year 1932-33", the words and figures " income-tax and super-tax chargeable for the year 1933-34 in respect of the income of the year 1932-33 chargeable under the head ' Salaries ' " shall be substituted.

J. B. VACHHA,

Joint Secretary to the Government of India.

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FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, SEPTEMBER 2, 1933.

### LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

Simla, the 30th August, 1933.

**No 2297-G.**—Sardar Sahib Sardar Sudarshan Singh Vaghalia, Deputy Superintendent of Police, Punjab, is appointed Watch and Ward Officer in the Legislative Assembly Department, with effect from the 19th August, 1933, as a temporary measure.

MD. RAFI,

Officiating Secretary to the Government of India.

### ARMY DEPARTMENT.

JUDICIAL.

Simla, the 2nd September, 1933.

**No. 530.**—In exercise of the powers conferred by section 113 of the Indian Army Act, 1911 (VIII of 1911), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Indian Army Act Rules, namely :—

In rule 161 of the said Rules—

(a) In sub-rule (A)—

(i) in item (v), for the words "other than units of the Corps of," the word "including" shall be substituted ;

(ii) item (x) shall be omitted ;

(iii) items (xi) to (xxi) shall be renumbered (x) to (xx), respectively.

(b) In sub-rule (C), for items (*vi*) and (*vi-a*), the following items shall be substituted, namely :—

"(*vi*) Q. V. O. Madras Sappers and Miners excluding the Training Battalion.

(*vi-a*) K. G. O. Bengal Sappers and Miners excluding the Training Battalion.

(*vi-b*) Royal Bombay Sappers and Miners excluding the Training Battalion.

(*vi-c*) Each Training Battalion of Sappers and Miners."

**No. 531.**—In exercise of the powers conferred by section 80 of the Auxiliary Force fAct, 1920 (XLIX of 1920), the Governor-General in Council is pleased to direct that the ollowing further amendment having been previously published as required by sub-section (4) of the said section, shall be made in the Auxiliary Force Rules, 1920, namely :—

For Schedule I to the said Rules the following Schedule shall be substituted, namely :—

"SCHEDULE I.

(*See Rule 3*).

Military Areas.

(*a*) *General Areas.*

(N. B.—*These areas shall not be deemed to include any territories comprised in any railway areas.*)

1. The Madras Presidency Area, namely, all Districts of that Presidency, all the Madras States, the territories of the Hyderabad State, including the Administered Areas in the Hyderabad State, as described in the notification of the Government of India in the Foreign and Political Department, No. 200-I., dated the 24th April 1929, as amended from time to time, Coorg and the Mysore State, excluding the Kolar Gold Fields Area.

2. The Kolar Gold Fields Area, namely, such portions of the Madras Presidency and the Mysore State as lie within a radius of ten miles from the Taylor Shaft of the Nundydroog Mine.

3. The Bombay Presidency Area, namely, the Town and Island of Bombay and the Island of Salsette.

4. The Ahmedabad Area, namely, the Northern Division of the Bombay Presidency, the Indian States within the political charge of the Commissioner of that Division, the States of Baroda and Cutch and the Kathiawar Agency.

5. The Poona Area, namely, the Central and Southern Divisions of the Bombay Presidency, the Indian States within the political charge of the Commissioners of those Divisions, and Kolhapur and the Southern Mahratta States.

6. The Karachi Area, namely, Sind and the Khairpur State.

7. The Calcutta Area, namely, Calcutta and the Presidency and Burdwan Divisions, excluding the Asansol Sub-division of the Burdwan District.

8. The Dacca Area, namely, the Dacca and Chittagong Divisions and the State of Hill Tipperah.

9. The Jalpaiguri Area, namely, the Rajshahi Division, and the State of Cooch Behar.

10. The Gauhati Area, namely, the Assam Valley Districts Division, the Khasi and Jaintia Hills District (including the Khasi Hill States), and the Sadiya and the Balipara Frontier Tracts.

11. The Silchar Area, namely, the Surma Valley and the Hill Districts Division, excluding the Khasi and Jaintia Hills Drictrict and the Khasi Hill States, but including the British Reserve, Manipur, as defined in the notification of the Government of India in the Foreign Department, No. 583-I.B., dated the 12th March, 1909.

12. The Bankipur Area, namely, the Patna, Muzaffarpore and Bhagalpur Divisions.

13. The Ranchi Area, namely, Chota Nagpur, the Asansol Sub-Division of the Burdwan district and Orissa, including the Feudatory States.

14. The Lucknow Area, namely, Oudh and the Allahabad, Benares and Gorakhpur Divisions, and the Benares State.

15. The Jhansi Area, namely, the Jhansi Division.

16. The Meerut Area, namely, the Rohilkhand, Kumaon, Meerut and Agra Divisions and the States of Rampur and Tehri.

17. The Nowgong Area, namely, the Baghelkhand and Bundelkhand and Gwalior Agencies, and portions of the Administered Areas in Central India, namely, the Cantonments of Nowgong, Agar and Guna, the Gwalior Residency Area, the Civil Lines of Nowgong and the Sutna Agency.

18. The Mhow Area, namely, the rest of the Central India Agency, namely, the Cantonments of Mhow, Neemuch and Sehore and the Indore Residency Bazars.

19. The Ajmer Area, namely, Ajmer-Merwara, the Rajputana Agency, and the District of Abu as described in the notification of the Government of India in the Foreign Department No. 2221-I.B., dated the 1st October 1917.

20. The Delhi Area, namely, the Delhi Province.

21. The North-Western Area, namely, the Punjab and the North-West Frontier Provinces, the Indian States in political relations with the Government of the Punjab and the Hon'ble the Agent to the Governor-General, Punjab States and the Kashmir State.

22. The Quetta Area, namely, British Baluchistan and the Baluchistan Agency Territories.

23. The Nagpur Area, namely, the Central Provinces and Berar, and the Feudatory States in the Central Provinces.

24. The Burma Area, namely, the province of Burma (including the Federated Shan States), and the Andaman Islands.

(b) *Railway Areas.*

25. The East Indian Railway Area, namely, the East Indian Railway and the Railway Lands appertaining thereto.

26. The Eastern Bengal Railway Area, namely, the Eastern Bengal Railway, the Darjeeling-Himalayan Railway, the Bengal Dooars Railway and the Railway Lands appertaining thereto.

27. The Assam-Bengal Railway Area, namely, the Assam-Bengal Railway, the Dibru-Sadiya Railway, the Jorhat State Railway and the Railway Lands appertaining thereto.

28. The Bengal and North-Western Railway Area, namely, the Bengal and North-Western Railway, the Rohilkhand and Kumaon Railway and the Railway Lands appertaining thereto.

29. The North-Western Railway Area, namely, the North-Western Railway, the Kalka-Simla Railway and the Railway Lands appertaining thereto.

30. The Bombay, Baroda and Central India Railway Area, namely, the Bombay, Baroda and Central India Railway, the Jodhpur-Bikaner Railway and the Railway Lands appertaining thereto.

31. The Great Indian Peninsula Railway Area, namely, the Great Indian Peninsula Railway and the Railway Lands appertaining thereto.

32. The Bengal-Nagpur Railway Area, namely, the Bengal-Nagpur Railway and the Railway Lands appertaining thereto.

33. The Madras and Southern Mahratta Railway Area, namely, the Madras and Southern Mahratta Railway and the Railway Lands appertaining thereto.

34. The South Indian Railway Area, namely, the South Indian Railway and the Railway Lands appertaining thereto.

35. The Burma Railway Area, namely, the Burma Railways and the Railway Lands appertaining thereto."

G. R. F. TOTTENHAM,

Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

### NOTIFICATION.

POSTS AND TELEGRAPHS BRANCH.

Simla, the 29th August, 1933.

**No. 45-T./32.**—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Indian Telegraph Rules, 1932, namely :—

In rules 15 and 180 of the said Rules after the words "Secretary to Government" the words "or other officer nominated by the local Government from time to time for this purpose" shall be inserted.

J. A. SHILLIDY,

Secretary to the Government of India.

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FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, AUGUST 26, 1933.

### FINANCE DEPARTMENT.

NOTIFICATION.

Simla, the 24th August 1933.

**No. F. 25 (10) Ex. I/33.**—The following Resolution made by the Secretary of State for India in Council is published for general information :—

RESOLUTION.

In exercise of the powers conferred by sub-section 2 of section 96-B of the Government of India Act, the Secretary of State for India, with the concurrence of a majority of votes at a meeting of the Council of India held this 4th day of July, 1933, makes the following amendments in the Superior Services (Compulsory Retirement) Rules, 1932, namely :—

In rule 9 of the said rules—

(1) In sub-rule (1), for the words "if his record of service is satisfactory" the words "if his record of service is declared to be satisfactory either with or without qualification" shall be substituted.

(2) To sub-rule (2), the following proviso shall be added, namely :—

"Provided that if his service is declared to be satisfactory with qualification, the gratuity calculated in accordance with the foregoing scale may be reduced to such amount as is deemed by Government to be equitable."

And the said rule shall have effect and shall be deemed always to have had effect as if it had been made as so amended.

RESOLUTION.

The 24th August 1933.

**No. F. 2-XVIII-R. II/33.**—The Governor-General in Council is pleased to make the following amendments in the preamble to the Finance Department Resolution No. F. 2-XVI-R. II/30, dated the 29th December 1930 :—

(*i*) For the words " a Government servant shall be deemed to be under the administrative control........and not the Government which originally sanctioned his pension, " substitute the following :—

" a Government servant shall be deemed to be under the administrative control of the Government (other than the Central Government) to which the payment of the commuted value of his pension will be charged and the application for commutation shall be disposed of by that Government according to the procedure rules framed for its own servants."

(*ii*) After the words " Competent to dispose of his application ", add the following :—

" in accordance with the procedure rules prescribed for its own servants."

ORDERED that the Resolution be published in the *Gazette of India*.

J. B. TAYLOR,

Offg. Secretary to the Government of India.

## DEPARTMENT OF COMMERCE.

RESOLUTION.

TARIFFS.

Simla, the 26th August 1933.

**No. 260-T. (8)/33.**—The protection afforded to certain manufactures of iron and steel by the Steel Industry (Protection) Act, 1927, as subsequently amended, will determine on the 31st day of March 1934. Clause 3 of that Act provides that the Governor-General in Council shall, not later than the 31st day of March 1934, cause to be made by such persons as he may appoint in this behalf, an enquiry as to the extent, if any, to which it is necessary to continue the protection of the steel industry in British India and as to the manner in which any protection found necessary should be conferred. The Government of India have decided that the prescribed Statutory Enquiry should be undertaken by the Tariff Board and the following terms of reference have been framed for its guidance :—

(*a*) The Board is requested to re-examine the measures of protection now enjoyed by the steel industry under the Steel Industry (Protection) Act of 1927, as subsequently amended, the Wire and Wire Nail Industry (Protection) Act of 1932 and the Indian Tariff (Ottawa Trade Agreement) Amendment Act of 1932 and to report in respect of each protected article whether it is still necessary to continue protection and, if so, whether the existing measure of protection should be increased or diminished or whether the manner in which protection is conferred should be altered.

(*b*) In dealing with the wire and wire nail industry the Board will bear in mind the considerations set forth in paragraphs 3, 4 and 5 of its 1931 Report on the Wire and Wire Nail Industry and will consider whether the first of the conditions prescribed by the Indian Fiscal Commission in paragraph 97 of its Report is now satisfied.

(*c*) In making its recommendations the Tariff Board will take all relevant considerations into account including that stated in part (*b*) of the Resolution adopted by the Legislative Assembly on the 16th February 1923.

(*d*) The Board will also be at liberty to examine the claims for protection of industries making iron and steel products which do not come within the scope of the present Acts and to report whether, having regard to the principles laid down in paragraph 97 of the Report of the Indian Fiscal Commission, such claims should be admitted, and, if so, the nature and extent of the protection that should be given.

2. Firms or persons interested in the iron and steel industry or industries dependent on the use of iron and steel, who desire that their views should be considered by the Tariff Board should address their representations to the Secretary of the Board.

ORDER.—Ordered that a copy of the above Resolution be communicated to all local Governments and Administrations, all Departments of the Government of India, the Director General of Commercial Intelligence and Statistics, the Central Board of Revenue, the Indian Trade Commissioners, London and Hamburg, the Secretary, Tariff Board, the High Commissioner for India, London, His Majesty's Trade Commissioner in India, the Canadian Trade Commissioner in India, all Chambers of Commerce and Associations, the French Trade Commissioner in India, Burma and Ceylon, the Secretary, Imperial Council of Agricultural Research, and the Chief Controller of Stores.

Ordered also, that it be published in the *Gazette of India.*

T. A. STEWART,

Offg. Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

### NOTIFICATIONS.

AGRICULTURE.

Simla, the 23rd August 1933.

**No. F. 144/33.**—The following extracts from an abridged translation of Law No. 1292/987, dated the 18th June, 1931, published by the Italian Government in the *Gazzetta Ufficiale,* No. 194 of August 24th, 1931, for the protection of cultivated plants from diseases and parasites, are published for general information :—

** ** ** **

*Article 5.*—Plants and seeds may be sent from one part of Italy to another by authorised growers or firms. Regulations with regard to the forwarding of imported plants or seeds, after phytopathological examination, will be issued by the Minister of Agriculture.

** ** ** **

*Article 8.*—Authorises the Minister of Agriculture, after consultation with the Minister of Corporations, to :—

(*a*) suspend the importation and transit of plants, parts of plants and seeds deemed to be infected ;

(*b*) determine the frontier stations and ports through which imported plants, parts of plants, seeds and vegetables produce may be imported ;

(*c*) draw up regulations for the execution of (*b*) ;

** ** ** ** **

*Article 9.*—Empowers the officials of the Ministry of Agriculture at the frontier stations and ports to :—

(*a*) require the disinfection or destruction of plants or seeds which they consider to be infected, including packings, receptacles, etc. ;

(*b*) prohibit the introduction into Italy, or transit therein, of plants or seeds which they consider infected or carriers of disease or parasite germs ;

** ** ** ** **

No indemnity will be due to interested parties on account of action taken under this notice.

** ** ** ** **

*Article 36.*—Annuls Law No. 94 of 3rd January, 1929, for the protection of plants, likewise any other provisions contrary to the present law.

** ** ** ** **

**No. F. 144/33.**—It is notified for general information that under a Ministerial Decree, dated the 20th December, 1932, published by the Italian Government in *Gazzetta Ufficiale*, No. 37 of the 14th February, 1933, the importation into Italy and transit in the country of the following plants, or parts of plants, is suspended :—

(*a*) Cactus plants and cactus fruit coming from any country abroad in view of the danger of introducing insects fungii and bacteria injurious to the "prickly pear ;"

(*b*) Plants or parts of plants of the following coniferous species—"Abies", "Picca" "Pinus". "Pseudotsugae" and "Tsuga".

2. The importation of plants or parts of plants belonging to other coniferous species is permitted by the decree, provided a certificate is produced in Italian or French, issued by the phytopathological authorities in the country of origin, to the effect that the plants or parts of plants which form the consignment are free from disease and injurious parasites, in particular the "Rhabdocline Pseudotsugae."

3. The certificate must also indicate the country of origin of the goods, the name of the species to which the products covered by it belong, and details necessary for the identification of the consignment.

**No. F. 144/33.**—It is notified for general information that Ministerial Decree, dated the 29th March, 1933, published by the Italian Government in the *Gazzetta Ufficiale*, No. 104 of the 4th May, 1933, prohibits the importation into Italy from all foreign countries of plants and parts of plants of the "Ulmus" genus, with the exception of seeds, in view of the danger of introducing into Italy exotic parasites, injurious to the cultivation of plants and fruit.

RAM CHANDRA,

Joint Secretary to the Government of India.

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GENERAL.

The 24th August 1933.

**No. F. 16-1/33.**—The following draft of certain rules which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 213 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), and in supersession of the rules published with the notifications of the Government of India in the Home Department, No. 1902 (Sanitary), dated the 14th October 1910, and in the Department of Education, Health and Lands, Nos. 406-H. (G.), dated the 5th March 1931, 1276-H. (G.), dated the 16th July 1931, and F. 34/32-G., dated the 11th January 1933, is published, as required by sub-section (3) of the said section, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 20th September, 1933.

Any objection or suggestion which may be received in respect of the draft before the said date will be considered by the Governor-General in Council.

*Draft Rules.*

1. These rules, may be called the Indian Pilgrim Ships Rules, 1933.

2. In these rules, unless there is anything repugnant in the subject or context,—

(1) "Act" means the Indian Merchant Shipping Act, 1923 (XXI of 1923);

(2) "Approved" means approved by the Governor-General in Council ;

(3) "Buoyant Apparatus" means buoyant deck seats or buoyant deck chairs or any other buoyant apparatus excepting boats, life-buoys or life-jackets ;

(4) "Compartment" means a space between-decks other than a cabin ;

(5) "Form" means a form appended to these rules ;

(6) "Inspector" means the officer appointed by the Governor-General in Council for the purposes of sub-section (1) of section 151 and, except in rule 3, includes a person authorised by such officer under section 152 ;

(7) "Length" in connection with a ship means the registered length of the ship ;

(8) "Section" means a section of the Act ;

(9) "Special Boat-deck" means any deck on which boats are carried and of which the space required for the stowage of boats under rule 22 occupies half or more of the length of such deck ;

(10) "Surveyor" means a surveyor appointed under section 129.

3. On receiving the notice required by section 151, the Inspector shall himself proceed to inspect, or shall give a written authority to some competent person to inspect on his behalf, the ship, her provisions, medical stores, equipment, ventilation, fittings and the like, and the Inspector or person authorised shall satisfy himself that the ship, her provisions, medical stores, equipment, ventilation, fittings and the like fulfil all the requirements imposed by the Act or these rules.

4. The certificates "A" and "B" required under sections 154 and 155 shall be given in Forms I and II respectively and the supplementary certificate B, required under section 198 shall be in Form III.

5. No certificate under section 155 shall be granted between May 20th and September 20th in any year in respect of a ship of a tonnage of less than 500 registered tons, or which is not capable of steaming at least eight knots in ordinary monsoon weather; nor shall such certificate be given at any time unless all the arrangements required by these rules have been made to the entire satisfaction of the Inspector.

6. The Inspector shall see that in all cases where the number of pilgrims exceeds 100, the medical officer of the ship is present at the official inspection and that such medical officer has had an opportunity of satisfying himself as to the completeness of the arrangements made for the accommodation and care of the pilgrims under these rules; and shall require such medical officer to furnish a certificate in Form IV and to sign the second of the certificates prescribed by rule 112.

*Boats and appliances for saving life.*

Davits.

7. (1) (*a*) Every pilgrim ship which carries more than 12 berthed passengers shall be provided in accordance with her length with the number of sets of davits specified in column A of the table in rule 37.

(*b*) Every pilgrim ship which carries 12 berthed passengers or less shall be provided in accordance with her length with the number of sets of davits specified in column C of the table in rule 37:

Provided that no pilgrim ship shall be required to have a number of sets of davits greater than the number of lifeboats required to accommodate the total number of persons the ship is certified to carry on the voyage on which she is proceeding:

Provided further that the Governor-General in Council may, where it appears to him necessary, having regard to the height at which boats are carried above the load line and to other circumstances of the case, require a pilgrim ship to carry in lieu of, or in addition to, davits some other approved form of launching apparatus or such arrangements for launching boats as may be, in his opinion, effective.

(2) Each set of davits shall have a lifeboat of class I attached to it and at least one of the lifeboats shall be a motor boat.

(3) If the lifeboats attached to the davits do not provide :—

(*a*) accommodation for all the persons the ship is certified to carry,

(*b*) the minimum capacity specified in column D of the table in rule 37,

whichever is less, additional lifeboats of Class I or Class II shall be placed on board to make up the deficiency, and the stowage of the additional boats shall be approved by the Governor-General in Council:

Provided that no ship shall be required to carry lifeboats of an aggregate capacity greater than is required to accommodate the total number of persons the ship is certified to carry on the voyage on which she is proceeding.

Buoyant apparatus.

8. If the lifeboats carried do not provide sufficient accommodation for the total number of persons which is carried or which the ship is certified to carry on the voyage on which she is proceeding, whichever number is the greater, approved buoyant apparatus shall be carried sufficient for those persons for whom accommodation is not provided in lifeboats.

9. If the master or owner of a pilgrim ship claims to carry on any voyage fewer lifeboats and approved buoyant apparatus than will provide sufficient accommodation for all the persons for which the ship is certified, he shall declare before the Principal Officer, Mercantile Marine Department, before the time of clearance, that the lifeboats and approved buoyant apparatus actually carried will be sufficient to accommodate all the persons who will be carried at any time during the voyage. If the aggregate capacity of the lifeboats which he claims to carry on the voyage is less than the minimum capacity specified in column D of the table in rule 37, the master or owner shall declare that the lifeboats alone will be sufficient to accommodate all the persons who will be carried at any time during the voyage.

Lifebuoys.

10. Every pilgrim ship shall carry lifebuoys of a type approved by the Governor-General in Council in accordance with the following scale :—

| *Length of ship in feet.* | *Minimum number of lifebuoys.* |
|---|---|
| Under 200′ .. .. .. | 6, of which not less than 2 shall be provided with self-igniting lights. |
| 200′ and under 300′ .. .. | 8, of which not less than 4 shall be provided with self-igniting lights. |
| 300′ and under 400′ .. .. | 10, of which not less than 6 shall be provided with self-igniting lights. |
| 400′ and over .. .. | 12, of which not less than 6 shall be provided with self-igniting lights. |

Lifebuoy lights.

11. (1) Life buoy lights shall be self-igniting, shall be provided with a means of attachment to lifebuoys, and shall release and open automatically.

(2) Ships fitted with bridges shall carry a lifebuoy with a self-igniting light attached to it at each side of the navigating bridge in beckets or cleats in such a manner as to admit of instantaneous release and to ensure their dropping clear of the ship's side.

Other lifebuoy lights required under these rules shall be distributed, attached to lifebuoys, to the Surveyor's satisfaction.

(3) All lifebuoy lights required under these rules shall be capable of burning in water for at least 40 minutes. Lights fitted with prickers for opening shall not be accepted.

Life-jackets.

12. One approved life-jacket shall be carried for each person on board.

Power to accept alternatives.

13. The Governor-General in Council may, in general or in any particular case, accept any life-saving appliance or arrangement in lieu of a life-saving appliance or arrangement required by these rules subject to such conditions as he may impose.

Classification of lifeboats.

14. For the purposes of these rules lifeboats are arranged in the following classes :—

CLASS 1.

A.—*Open lifeboats with internal buoyancy only.*

The buoyancy of a wooden boat of this type shall be provided by watertight air-cases, the total volume of which shall be at least equal to one-tenth of the cubic capacity of the boat.

In the case of a metal boat an addition shall be made to be cubic capacity of the airtight compartments, so as to give it buoyancy equal to that of the wooden boat.

B.—*Open lifeboats with internal and external buoyancy.*

The internal buoyancy of a wooden boat of this type shall be provided by water-tight aircases, the total volume of which shall be at least equal to seven and a half per cent. of the cubic capacity of the boat.

If the external buoyancy is of cork, its volume, for a wooden boat, shall not be less than thirty-three thousands of the cubic capacity of the boat ; if of any material other than cork, its volume and distribution shall be such that the buoyancy and stability of the boat are not less than that of a similar boat provided with external buoyancy of cork.

In the case of a metal boat an addition shall be made to the cubic capacity of the airtight compartments, so as to give buoyancy equal to that of the wooden boat.

C.—*Pontoon lifeboats having a well deck and fixed watertight bulwarks.*

The area of the well deck of a boat of this type shall be at least thirty per cent. of the total deck area. The height of the well deck above the water-line at all points shall be at least equal to one-half per cent. of the length of the boat, this height rising to one and a half per cent. of the length of the boat at the ends of the well.

The freeboard of a boat of this type shall be such as to provide for a reserve buoyancy of at least thirty-five per cent.

CLASS 2.

A.—*Open lifeboats having the upper part of the side collapsible.*

A boat of this type shall be fitted both with water-tight air-cases and with external buoyancy, the volume of which, for each person which the boat is able to accommodate, shall be at least equal to the following amounts :—

| | Cubic feet. |
|---|---|
| Air-cases .. .. .. .. ... .. | 1·5 |
| External buoyancy (if of cork) .. .. .. .. | 0·2 |

The minimum freeboard of boats of this type is fixed in relation to their length ; it shall be measured vertically to the top of the solid hull at the side amidships from the water-level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts :—

| Length of the boat in feet. | Minimum freeboard in inches. |
|---|---|
| 26 | 8 |
| 28 | 9 |
| 30 | 10 |

The freeboard of boats of intermediate lengths shall be found by interpolation.

B.—*Pontoon lifeboats having a well deck and collapsible bulwarks.*

All the conditions laid down for boats of class 1C shall be applied to boats of this type, which differ from those of class 1C only in regard to the bulwarks.

C.—*Ponton lifeboats having a flush deck and collapsible bulwarks.*

The minimum freeboard of boats of this type is independent of their length and depends only upon their depth. The depth of the boat shall be measured vertically from the underside of the garboard strake to the top of the deck at the side amidships and the freeboard shall be measured from the top of the deck at the side amidships to the water-level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts, which are applicable without correction to boats having a mean sheer equal to three per cent. of their length :—

| Depth of boat in inches. | Minimum freeboard in inches. |
|---|---|
| 12 | $2\frac{3}{4}$ |
| 18 | $3\frac{3}{4}$ |
| 24 | $5\frac{1}{8}$ |
| 30 | $6\frac{1}{2}$ |

For intermediate depths the freeboard shall be obtained by interpolation.

If the sheer is less than the standard sheer defined above, the minimum freeboard shall be obtained by adding to the figures in the table one-seventh of the difference between the standard sheer and the actual mean sheer measured at the stem and stern post ; no deduction shall be made from the freeboard on account of the sheer being greater than the standard sheer or on account of the camber of the deck.

The collapsible sides or bulwarks of class II boats shall be watertight.

Motor boats.

15. (1) A motor boat carried as part of the statutory life-saving appliances of a pilgrim ship, shall comply with the following conditions :—

(a) It shall comply with the requirements for a lifeboat of class 1, and proper appliances shall be provided for putting it into the water speedily.

(b) It shall be adequately provided with fuel and kept so as to be at all times ready for use.

(c) It shall be fitted with an approved wireless telegraphy apparatus and a search-light.

(d) The motor and its accessories shall be suitably enclosed to ensure operation under adverse weather conditions and provision shall be made for going astern.

(e) The speed shall be at least 6 knots when fully loaded in smooth water.

(2) In fixing the volume of the internal buoyancy, and, where fitted, the external buoyancy, regard shall be had to the difference between the weight of the motor and wireless telegraphy installation and their accessories and the weight of the additional persons which the boat could accommodate if these were removed.

Construction of life-boats.

16. (1) All boats shall be properly constructed, and shall be of such form and proportion that they shall have ample stability in a seaway, and sufficient freeboard when loaded with their full complement of persons and equipment. They shall be fitted and arranged to the satisfaction of the Governor General in Council.

(2) The structural strength of the boats shall be to the satisfaction of the Governor General in Council. In the case of pilgrim ships, launched on or after the 1st June 1935, the strength shall be sufficient to permit of the boats being safely lowered into the water with the full complement of persons and equipment on board.

Seating accommodation.

(3) In all open boats, all thwart and side seats shall be fitted as low in the boat as practical, and shall provide seating accommodation for all persons the boat is deemed fit to carry and bottom boards shall be fitted so that the thwarts shall not be more than 2 feet 9 inches above them.

Buoyancy.

(4) Internal buoyancy apparatus shall be constructed of copper or yellow metal of not less than 18 ounces to the superficial foot, or of other durable material, and in open boats of class 1 may be placed along the sides or at the ends of the boat, but not in the bottom of the boat. External buoyancy apparatus may be of cork or of any other equally efficient approved material : the use of rushes cork shavings, loose granulated cork, or any other loose granulated substance, and the use of apparatus dependent upon inflation by air as prohibited.

Sheer.

(5) Open lifeboats of class 1 shall have a mean sheer at least equal to four per cent. of their length.

Pontoon lifeboat.

(6) Pontoon lifeboats may be built of wood or metal. If constructed of wood, they shall have the bottom and deck made of two thicknesses with textile material between ; if of metal, they shall be divided into watertight compartments with means of access to each compartment and shall be provided with at least two bilge pumps.

(7) All pontoon lifeboats shall be fitted with efficient means for quickly clearing the deck of water. The orifices for this purpose shall be such that the water cannot entef the boat through them when they are intermittently submerged. The number and size or the orifices shall be determined by the Governor General in Council for each type of boat by a special test.

For the purpose of this test :—

(*a*) The pontoon boat shall be loaded with a weight of iron equal to that of its complement of persons and equipment.

(*b*) In the case of a boat 28 feet in length, two tons of water shall be cleared from the boat in a time not exceeding the following :—

| | |
|---|---|
| Class 1C .. .. .. .. | 60 seconds. |
| Class 2B .. .. .. .. | 60 seconds. |
| Class 2C .. .. .. .. | 20 seconds. |

In the case of a boat having a length greater or less than 28 feet the weight of water to be cleared in the same time shall be for each type directly proportional to the length of the boat.

(8) No boat shall be accepted as a lifeboat the buoyancy of which depends up[on] the previous adjustment of one of the principal parts of the hull.

(9) All boats shall be fitted for the use of a steering oar.

Marking of lifeboats.

(10) All boats shall be permanently marked to the satisfaction of the Governor General in Council in such a way as to indicate plainly their dimensions and the number of persons for which they are approved. Boats that have been properly marked need not be re-measured, unless there is reason to believe that the marks have been tampered with or are otherwise defective or improper.

(11) No boat may be approved the weight of which, when fully laden with persons and equipment, exceeds 20 tons and boats certified to carry 100 persons or more shall be motor boats.

17. (1) The number of persons which a lifeboat shall be deemed fit to carry shall be equal to the greatest whole number obtained by dividing the capacity of the boat in cubic feet, or the surface of the boat in square feet, as the case may be (calculated as provided by rules 18 and 19), by the standard unit of capacity, or unit of surface, defined below.

Number of persons.

(2) The cubic capacity in feet of a boat in which the number of persons is determined by the surface shall be assumed to be the ten times the number of persons which the boat is authorised to carry.

(3) The standard units of capacity and surface are as follows :—

| | |
|---|---|
| Units of capacity— | Cubic feet. |
| Class 1A .. .. .. | 10 |
| Class 1B .. .. .. | 9 |
| Units of surface— | Square feet. |
| Class 2A .. .. .. | $8\frac{1}{2}$ |
| Class 2C .. .. .. | $8\frac{1}{2}$ |
| Class 1C .. .. .. | $3\frac{1}{4}$ |
| Class 2B .. .. .. | $3\frac{1}{4}$ |

(4) The Governor General in Council may accept a smaller divisor for pontoon boats of class 1C and class 2B, if he is satisfied after trial that the number of persons for whom there is seating accommodation in the boat in question is greater than the number obtained by applying the above divisor provided always that the divisor adopted in place of $3\frac{1}{4}$ shall never be less than 3.

(5) The number of persons obtained by the above rules shall be reduced :—

(i) If it is greater than the number of persons for which there is proper seating accommodation, the latter number being determined in such a way that the persons when seated do not interfere in any way with the use of the oars, or

(ii) if, in the case of boats other than open boats of class 1, the freeboard when the boat is fully loaded in less than the freeboard required by these rules.

(6) If the Surveyor is doubtful as to the number of persons any boat is fit to carry he may require the boat to be tested afloat with the intended number of persons on board.

Test afloat.

(7) The Surveyor may limit the number of persons to be allowed in boats with very fine ends and in boats very full in form.

(8) Two children under the age of twelve years may be carried in place of one adult person.

Children.

18. (1) In the case of an open boat of class 1 the cubic capacity shall be determined by the following formula :—

Cubic capacity of open boats of class 1.

$$\text{Capacity} = \frac{l}{12}(4A+2B+4C)$$

$l$ denotes the *length* of the boat in feet from inside of the planking or plating at the stem to the corresponding point at the stern post ; in the case of a boat with a square stern the length is measured to the inside of the transom.

$A$, $B$, $C$ denote respectively the *areas of the cross sections* at the quarter length forward admidships, and the quarter length aft, which correspond to the three points obtained by dividing $l$ into four equal parts (the areas corresponding to the two ends of the boat are considered negligible).

The areas $A$, $B$, $C$ shall be deemed to be given in square feet by the successive application of the following formula to each of the three cross-sections :—

$$\text{Area} = \frac{h}{12}(a+4b+2c+4d+e)$$

$h$ denotes the *depth* measured in feet inside the planking or plating from the keel to the level of the gunwale, or, in certain cases, to a lower level, as determined hereafter.

$a, b, c, d, e$ denote the *horizontal breadths* of the boat measured in feet to the inside of the planking at the upper and lower points of the depth and at the three points obtained by dividing $h$ into four equal parts ($a$ and $e$ being the breadths at the extreme points, and $c$ at the middle point, of $h$).

(2) If the sheer of the gunwale, measured at the two points situated at a quarter of the length of the boat from the ends, exceeds 1 per cent. of the length of the boat, the

depth employed in calculating the area of the cross-sections *A* or *C* shall be deemed to be depth the amidships *plus* 1 per cent. of the length of the boat.

(3) If the depth of the boat amidships exceeds 45 per cent. of the breadth, the depth employed in calculating the area of the midship cross-section *B* shall be deemed to be equal to 45 per cent. of the breadth, and the depth employed in calculating the areas of the quarter length sections *A* and *C* shall be obtained by increasing this last figure by an amount equal to 1 per cent. of the length of the boat, provided that in no case shall the depths employed in the calculation exceed the actual depths at these points.

(4) If the depth of the boat is greater than 4 feet, the number of persons given by the application of these rules shall be reduced in proportion to the ratio of 4 feet to the actual depth, until the boat has been tested afloat with that number of persons on board all wearing life-jackets, and the test has proved satisfactory.

(5) The cubic capacity of a boat may be assumed to be the product of the length, the breadth and the depth multiplied by 0·6 in cases where it is clear that this formula does not give a greater capacity than that obtained by the above method. The dimensions shall then be measured in the following manner :—

*Length* : From the intersection of the outside of the planking with the stem to the corresponding point at the stern post or, in the case of a square sterned boat, to the after side of the transom.

*Breadth* : From the outside of the planking at the point where the breadth of the boat is greatest.

*Depth* : Amidships inside the planking from the keel to the level of the gunwale, but the depth used in calculating the cubic capacity may not in any case exceed 45 per cent. of the breadth.

In all cases the shipowner shall have the right to require that the cubic capacity of the boat shall be determined by exact measurement.

(6) If the oars are pulled in rowlocks, the bottom of the rowlocks shall be considered as the gunwale in measuring the depth of the boat.

Cubic capacity of motor boats.

(7) The cubic capacity of a motor boat shall be obtained from the gross capacity by deducting a volume equal to that occupied by the motor and wireless telegraphy installation and their accessories.

Deck area and capacity of pontoon boats and of open boats of Class 2.

19. In the case of pontoon boats and of open boats of Class 2 the surface in square feet shall be determined by the following formula :—

$$\text{Area} = \frac{l}{12}\ (2a+1{\cdot}5b+4c+1{\cdot}5d+2e).$$

*l* denotes the *length* in feet from the inter-section of the outside of the planking with the stem to the corresponding point at the stern post.

*a, b, c, d, e* denote the *horizontal breadths* in feet outside the planking at the points obtained by dividing *l* into four equal parts and sub-dividing the foremost and aftermost parts into 2 equal parts (*a* and *e*) being the breadths at the extreme sub-division, *c* at the middle point of the length and *b* and *d* at the intermediate points).

Size of boats.

20. No boat carried in compliance with these rules shall have a capacity of less than 125 cubic feet.

Weight of persons.

21. In the tests prescribed by these rules for determining the number of persons which a boat can accommodate each person shall be assumed to be an adult person wearing a life-jacket.

In verifications of freeboard the pontoon boats shall be loaded with a weight of at least 165 lbs. for each adult person that the pontoon boat is authorised to carry.

Appliances for lowering boats.

22. (1) The davits shall be of approved form and shall be suitably placed to the satisfaction of the Governor General in Council. They shall be fitted on one or more of the decks in such positions that the boats can be efficiently lowered from them, and shall be so spaced and placed that the boats can be swung out with facility. Davits shall not be fitted in the bows of a ship, but they may be fitted in any other position in the ship, provided that the boats are not brought into dangerous proximity to a propeller at the time of launching.

(2) The davits, falls, blocks, and all other gear required for lowering the boats, shall be of sufficient strength to the satisfaction of the Governor General in Council. In the case of pilgrim ships launched on or after the 1st June, 1935, they shall be of such strength that the boats can be lowered safely with the full complement of persons and equipment, the ship being assumed to have a list of 15 degrees.

(3) In the case of pilgrim ships launched on or after the 1st June 1935, the davits shall be fitted with gear of sufficient power to ensure that the boats can be turned out against the maximum list under which the lowering of the boats is possible or the davits shall be of the quadrant or other such type as will ensure the above condition being fulfilled.

(4) The boat's falls shall be long enough to lower the boat into the water with safety when the vessel is light with a list of 15 degrees. Life-lines shall be fitted to the davit spans, and shall be long enough to reach the water when the vessel is light with a list of 15 degrees. Hooks shall not be attached to the lower tackle blocks.

(5) Means shall be provided for speedily, but not necessarily simultaneously or automatically, detaching the boats from the falls; the boats placed under davits shall be attached to the falls and kept ready for service; the points of attachment of the boats to the falls shall be sufficiently away from the ends of the boats to ensure their being easily swung clear of the davits: the boats' chocks shall be of such construction and arrangements as shall be satisfactory to the Governor General in Council.

(6) Where more than one boat is served by the same set of davits, if the falls are of rope, separate falls shall be provided to serve each boat but where wire falls are used with mechanical appliances for recovering them, separate falls need not be provided.

The appliances used shall be such as to ensure lowering the boats rapidly in turn.

Where a mechanical appliance is fitted for the recovery of falls efficient hand gear shall also be provided.

(7) The Governor General in Council may accept in lieu of davits or sets of davits any other appliance, appliances or arrangements, which appear to him at least as effective as davits for placing the boats in the water.

Buoyant apparatus.

23. Approved buoyant apparatus, whether buoyant deck seats, buoyant deck chairs or other buoyant apparatus, shall be deemed sufficient, so far as buoyancy is concerned, for a person or number of persons to be ascertained by dividing the number of pounds of iron which it is capable of supporting in fresh water by 32, and if the apparatus depends for its buoyancy on air shall not require to be inflated before use.

The number of persons to be supported shall be limited to the number of feet in the perimeter of the apparatus.

Such approved buoyant apparatus shall comply with the following conditions:—

(1) It shall be of approved material and construction.

(2) It shall be reversible and shall be effective and stable when floating either way up.

(3) It shall be of such size, strength and weight that it can be handled without mechanical appliances and, if necessary, can be thrown from the vessel's deck on which it is stowed.

(4) The air-cases or equivalent buoyancy shall be placed as near as possible to the sides of the apparatus.

(5) It shall be marked in such a way as plainly to indicate that it is buoyant and the number of persons for which it is approved.

Stowing of boats, rafts, etc.

24. (1) All boats attached to davits and all boats stowed under boats attached to davits shall be stowed in such a way that—

(a) they can be safely launched in the shortest possible time;

(b) they will not impede in any way the prompt handling of any other of the life-boats attached to davits or stowed under boats attached to davits or the buoyant apparatus carried under Rule 4 or the marshalling of the persons on board at the launching stations, or their embarkation;

(c) even under conditions of list and trim unfavourable from the point of view of the handling of the boats as large a number of persons as possible can be embarked in them;

(d) except as hereinafter provided, they shall be so stowed as not to require lifting before being launched and so secured that they will have the best chance of floating free from the ship in case there is no time to launch them.

(2) With regard to the stowage of other additional lifeboats and buoyant apparatus the following provisions shall apply :—

(a) They shall not impede in any way the prompt handling of the lifeboats attached to davits or the additional boats stowed under boats attached to davits or the buoyant apparatus or the marshalling of the persons on board at the launching stations or their embarkation ;

(b) the lifeboats may be stowed one above the other, or they may, subject to such conditions as the Governor General in Council may impose, be fitted one within another, but where boats so fitted require lifting before being launched, they shall only be permitted if attached to davits operated by mechanical power appliances ;

(c) the lifeboats may be stowed in rows across a deck, bridge or poop ;

(d) as large a number of the boats as possible shall be capable of being launched on either side of the ship, either by means of approved appliances for transferring them from one side of the deck to the other, or by stowing in rows across the deck, or by some other equally satisfactory means ;

(e) means shall be provided to the satisfaction of the Governor General in Council for lowering the lifeboats into the water in the shortest possible time ;

(3) where a boat is stowed underneath another boat there shall be provided approved removable supports or other approved appliances, so as to secure that the weight of a boat is not unduly supported by the boat underneath it ;

(4) boats may only be stowed on more than one deck on condition that proper measures are taken to prevent the boats from a lower deck being fouled by those from a deck above ;

(5) all buoyant apparatus shall be so stowed as to be readily available in case of emergency.

**Equipment for boats and buoyant apparatus.**

25. (1) Every boat which is carried by any pilgrim ship shall be equipped as follows :—

(a) With the full single banked complement of oars and two spare oars, and a steering oar.

(b) With two plugs for each plug hole, attached with lanyards or chains, and one set and a half of thole pins or crutches, attached to the boat by sound lanyards. Plugs shall not be required where proper automatic valves are fitted.

(c) With a sea anchor, a bailer, a galvanised iron bucket, a rudder and a tiller, or yoke and yoke lines, a painter of sufficient length, and a boat-hook. The rudder, the bailer, and the bucket shall be attached to the boat by sufficiently long lanyards, and kept ready for use.

(d) With a vessel or vessels capable of holding one quart for each person that the boat is deemed fit to carry. Each such vessel shall be kept filled with fresh water, and provided with a dipper with lanyard.

(e) With two hatches, one to be kept in each end of the boat, and to be attached to the boat by a lanyard.

(f) With a line securely becketted round the outside of the boat.

(g) With an efficient lantern trimmed, with oil in its receiver sufficient to burn eight hours ; or with some other lantern or light at least as effective, approved by the Governor-General in Council.

(2) In addition to the equipment prescribed in sub-rule (1), the boats shall be equipped with :—

(a) A mast or masts, and at least one good sail and proper gear for each ; but this does not apply to an approved motor boat.

(b) An efficient compass.

(c) An airtight case containing two pounds of biscuits for each person for whom the boat is approved.

(d) One gallon of vegetable or animal oil, and a vessel of approved pattern for distributing it on the water in rough weather. This vessel shall be capable of being attached to the sea anchor.

(e) One dozen self-igniting red lights in a watertight tin, and a box of suitable matches in a water-tight tin.

(f) 1 lb of condensed milk for each person the boat is certified to carry.

(3) All buoyant apparatus carried by a pilgrim ship shall be equipped as follows :—

(a) With two paddles and one boat-hook or two paddles and boat-hooks combined attached to the buoyant apparatus by lanyards.

(b) A painter of sufficient length.

(c) A line securely becketted round the outside of the apparatus.

(d) A self-igniting light and two signal flares of approved pattern, the self-igniting light to be attached to the buoyant apparatus by lanyards of suitable length :

Provided that on buoyant apparatus, designed to support less than twenty-five persons the paddles, boat-hook, light and flares need not be carried.

(4) All boats and buoyant apparatus shall be fully equipped before the ship leaves harbour and the equipment shall remain in the boat or buoyant apparatus throughout the voyage while the ship is at sea or shall be stowed in some convenient place where it will be immediately available in case of emergency.

(5) A motor boat need not carry a mast or sail or more than half the complement of oars but shall be provided with two boat-hooks.

Side ladders.

26. In every pilgrim ship approved rope ladders shall be provided at each set of davits. Such ladders shall be of sufficient length to reach the waterline at the vessel's lightest sea going draft allowing for a list of 15 degrees and shall be carried in such a manner as to be always available for use in embarking the persons in the boats.

Illumination.

27. On all pilgrim ships in which the boat deck is more than 30 feet above the water, provisions shall be made for the illumination from the ship of the life boats when along side and in process of or immediately after being launched.

Life-jackets.

28. An approved life-jacket shall mean a jacket of approved material and construction, which is capable of floating in fresh water for 24 hours with 16½ lbs. of iron suspended from it, or any other approved appliance of equal buoyancy and capable of being fitted on the body. It shall be reversible and suitable both for adults and children Life jackets the buoyancy of which depends on air compartments are prohibited.

Lifebuoys.

29. (1) (a) An approved lifebuoy shall be of solid cork or other equivalent material. It shall be capable of floating in fresh water for at least 24 hours with 32 lbs. of iron suspended from it.

(b) Lifebuoys filled with rushes, cork shavings, granulated cork or any other loose granulated material, or whose buoyancy depends upon air compartments requiring inflation, are prohibited.

(2) All lifebuoys shall be fitted with beckets securely seized, and at least one on each side of the ship shall be fitted with a life-line at least 15 fathoms in length.

Position of life-buoys and life-jackets.

30. All lifebuoys and life-jackets shall be suitably placed to the satisfaction of the Surveyor and so as to be readily accessible to all persons on board and their position shall be plainly indicated so that it may be known to those for whom they are intended.

Lifebuoys shall always be capable of being rapidly cast loose and shall not be rigidly secured in any way.

Life-jackets may be stored either in battens over the passenger decks or in boxes under the charge of serangs as well as in the buoyant seats when these are used. The contents of the boxes shall be clearly painted on them and illustrated notices in

the vernacular shall be posted up in different parts of the ship explaining to passengers where to find life-jackets and how to use them. In addition, their use shall be demonstrated by the crew both during boat drills and periodically at other times.

Exemptions.

31. (1) Any lifeboat which forms part of the equipment of a pilgrim ship that was launched before the 1st June 1933 and which has been inspected and approved by the Governor General in Council before that date, may be accepted as equivalent to a lifeboat so long as it remains in good condition.

(2) Lifeboats which were ordered before the 1st June 1933 in order to complete the equipment of a ship, but which were not delivered in time to be inspected by the Governor General in Council before that date, may be accepted as equivalent to life boats so long as they remain in good condition :

Provided that such lifeboats shall not be so accepted, unless—

(*a*) they have been inspected, where this has not already been done ;

(*b*) they would have complied with the requirements of the rules in force prior to the 1st June 1933.

32. (1) When it appears to the Governor General in Council, on the application of the owner of a pilgrim ship carrying more than 12 berthed passengers, that it is not practicable or reasonable to fit in that ship the number of the sets of davits required by these rules. He may authorise under exceptional circumstances a smaller number of sets of davits provided that the number carried shall not be less than the minimum fixed in column B of the table in rule 40 and that the capacity of the lifeboats carried is at least up to the minimum capacity specified in column D of the table.

The owner of such a ship shall be required to satisfy the Surveyor by a practical test in his presence that all the boats carried can be launched in reasonable time, the number of hands employed in the operation not exceeding the total number of boat hands that will be carried on board under normal service conditions and each boat having, when lowered, at least two men on board and its full equipment.

(2) If it appears to the Governor General in Council, on the application of the owner of any pilgrim ship that it is not practicable or reasonable in a particular case to require that pontoon Lifeboats, made before the 1st June, 1935, and carried on ships of which the keel's were laid on or before that date, shall have the minimum freeboard specified in these rules or the bottom and deck made in two thicknesses with textile material between, the Governor General in Council may in his discretion dispense with full compliance with the rules in these respects subject to such conditions, if may, as the Governor General in Council may impose.

Drill.

33. (1) In all ships to which these rules apply, a boat drill and a water-tight door drill shall be held as soon as possible after leaving the original port of departure and thereafter once a week during the voyage when practicable, at which a number of the male passengers (*e. g.*, the single men) when this is practicable shall be mustered apart from the others in a convenient place whence they can be readily requisitioned to assist in swinging out boats or rounding up falls, etc., if required. Such drills shall be recorded in the official log book.

(2) The Surveyor shall be satisfied, in each case before the ship leaves port, that a return has been devised and communicated to each officer of the ship for securing an efficient working of the boats. In all cases a police system shall be organised to the satisfaction of the Surveyor so as to secure obedience to orders and proper control and guidance of all on board in times of emergency.

(3) In carrying out the boat and water-tight door drills the crew will, when practicable, drill in their life-jeckets and arrangements shall be made, when possible, for passengers to see the crew putting their life-jackets on. Entries in the official log book shall state whether and when this has been done.

Emergency boat.

34. In all pilgrim ships which are required under these rules to carry two or more boats, an emergency boat shall be carried slung out and ready for action whilst the ship is at sea.

Boat decks.

35. Special boat-deck shall be kept entirely clear of passengers, and in the case of shade-decks, bridge-decks and poop-decks, which are utilized for carrying passengers as well as boats, a space sufficient for the working of the boats shall be railed off ; and where boats stowed on a shade, bridge or poop-deck occupy half or more of the total breadth of the deck, the wohle of the space abreast the boats shall be railed off and treated as a special boat-deck.

Stowage.

36. The stowage of boats and buoyant apparatus in any pilgrim ship shall not be passed by the Surveyor as complying with these rules unless he is satisfied that every part of the life saving equipment is readily available.

Sets of davits and aggregate capacity of life boats.

37. The following table fixes* according to the length of ship the minimum number of sets of davits to be provided in pilgrim ships and the minimum aggregate capacity of the lifeboats carried on board in accordance with these rules :—

TABLE.

| Registered length of the ship in feet. | Number of sets of davits. A. | B. | C. | Minimum aggregate capacity of lifeboats in cubic feet. D. | Registered length of the ship in feet | Number of sets of davits. A. | B. | C. | Minimum aggregate capacity of lifeboats in cubic feet. D. |
|---|---|---|---|---|---|---|---|---|---|
| 100 and under 120 .. | 2 | 2 | 2 | 400 | 330 and under 350 .. | 9 | 6 | 6 | 5,125 |
| 120 " 140 .. | 2 | 2 | 2 | 525 | 350 " 370 .. | 9 | 6 | 6 | 5,500 |
| 140 " 160 . | 2 | 2 | 2 | 762 | 370 " 390 .. | 10 | 6 | 6 | 5,875 |
| 160 " 175 .. | 3 | 2 | 2 | 975 | 390 " 410 ... | 10 | 8 | 8 | 6,375 |
| 175 " 190 | 3 | 2 | 2 | 1,162 | 410 " 435 .. | 12 | 8 | 8 | 6,875 |
| 190 " 205 . | 4 | 4 | 4 | 1,350 | 435 " 460 .. | 12 | 10 | 8 | 7,500 |
| 205 " 220 .. | 4 | 4 | 4 | 1,625 | 460 " 490 .. | 14 | 10 | 8 | 8,180 |
| 220 " 230 .. | 5 | 4 | 4 | 1,843 | 490 " 520 ... | 14 | 10 | 10 | 8,875 |
| 230 " 245 .. | 5 | 4 | 4 | 2,050 | 520 " 550 .. | 16 | 10 | 10 | 9,560 |
| 245 " 255 .. | 6 | 4 | 4 | 2,300 | 550 " 580 .. | 16 | 12 | 12 | .. |
| 255 " 270 .. | 6 | 4 | 4 | 2,530 | 580 " 610 .. | 18 | 12 | 12 | ... |
| 270 " 285 .. | 7 | 4 | 4 | 3,025 | 610 " 640 .. | 18 | 12 | 12 | .. |
| 285 " 300 ... | 7 | 6 | 6 | 3,550 | 640 " 670 ... | 20 | 14 | 14 | .. |
| 300 " 315 .. | 8 | 6 | 6 | 4,125 | 670 " 700 .. | 20 | 14 | 14 | .. |
| 315 " 330 .. | 8 | 6 | 6 | 4,625 | | | | | |

38. Notwithstanding anything contained in rules 7 to 37, when a ship has at any time before the 1st June, 1933, obtained certificate A in the form required under section 154, for a pilgrim ship, the arrangements on such ship shall be considered by the Governor-General in Council on the first occasion after the 1st June 1933, on which application is made for another such certificate and the Governor-General in Council shall thereupon require such improvements, if any, as are in his opinion practicable and reasonable to be made not later than the first day of June, 1935, and, subject to the making of the said improvements by the said date, the ship shall be exempt from any of the provisions of these rules which would necessitate the making of improvements in excess of those which the Governor-General in Council has required to be made.

*Instruments for purposes of navigation.*

39. Every pilgrim ship shall be provided with—

(a) not less than three good ship's compasses and with a record of the deviation of her compasses on every point, entered in the log-book ;

(b) Admiralty or Indian Government charts and sailing directions suitable for the voyage she is about to undertake ;

(c) not less than two chronometers and not less than two sextants or quadrants and barometers, one of the latter being a mercurial barometer ;

(d) a deep-sea leadline and lead.

*Fire extinguishing appliances.*

Spaces occupied by passengers and crew.

40. (1) On every ship of more than 4,000 tons gross tonnage, at least three, and on every other ship at least two, steam or equivalent pumps shall be available for the spaces occupied by passengers and crew ; provided that more than two pumps shall not be required on ships whose keels were laid before the 1st September 1931. Each such pump shall be capable of providing a full supply of water, in accordance with the requirements specified in sub-rule (1) of rule 43, to one or more ranges of water service pipes. The service pipe shall be of metal, with branches so arranged that the fire hoses may be coupled thereto, and two powerful jets of water may be rapidly and simultaneously brought to bear, by means of single lengths of hose from each branch, upon any part of each deck space occupied by passengers or crew, when the watertight and fire doors are closed Where the water service is on an exposed deck, the branches necessary to comply with the foregoing requirements shall, in the case of vessels whose keels are laid after the 1st September 1931, be fitted on both sides of the deck.

Provided that in the case of vessels whose keels were laid before the 1st September 1931, the main engine sanitary pump shall be allowed to count as one of the pump

*NOTE.—The number of sets of davits and the boat capacities of ship not provided for in the table shall be prescribed by the Governor-General in Council.

required to be available if it is so fitted as to be capable of serving the purpose of such pump.

(2) Every ship shall carry an efficient portable hand pump with suction and hose complete.

(3) Portable chemical fire extinguishers of an approved pattern shall be carried in every compartment wherein passengers and crew are accommodated. There shall be two extinguishers in each such compartment, and when passengers are carried in enclosed spaces above the upper deck, there shall be at least one extinguisher on each side of such spaces at intervals of not more than 60 feet.

Cargo spaces.

41. On every ship arrangements shall be made whereby two powerful jets of water may be rapidly and simultaneously directed into any cargo compartment, and, save in the case of a ship of less than 1,000 tons gross tonnage, satisfactory means shall also be provided whereby steam or other gas incapable of supporting combustion may be conveyed to each such compartment.

Machinery and bunker spaces.

42. (1) Arrangements shall be made in ships which use coal as fuel whereby two powerful jets of water can be rapidly and simultaneously directed into any part of the coal bunker spaces, boiler rooms and machinery spaces.

(2) In ships in which the main boilers are oil fired the following additional arrangements shall be made :—

(a) The fire hoses in the machinery spaces shall be provided with additional conductors suitable for spraying water on oil without undue disturbance of the surface.

(b) In each firing space there shall be placed a receptacle containing 10 cubic feet of sand, sawdust impregnated with soda, or other approved dry material ; and scoops for distributing the same.

(c) In each boiler room, and in each of the machinery spaces in which a part of the oil fuel installation is situated, there shall be provided two approved portable chemical extinguishers of a type discharging froth or other approved medium suitable for quenching oil fires.

(d) Means shall be provided whereby froth may be rapidly discharged and distributed over the whole of the lower parts of any boiler room, or of any machinery space in which oil fuel units or settling tanks may be situated. The quantity of froth which can be discharged should be amply sufficient to cover up to a depth of 6 inches the whole area of the plating formed in any one compartment by the inner bottom plating or by the shell plating of the vessel if there is no double bottom tank. If the engine and boiler rooms are not entirely separate, and fuel oil can drain from the boiler room bilges into the engine room, the combined engine and boiler rooms shall be treated as one compartment. Provided that if other effective means are available for combating fire and the apparatus can be controlled from outside the compartment in which fire may occur, the Governor-General in Council may exempt from the requirements of this clause ships whose keels were laid before the 1st September 1931 on which it would not be reasonable to require the fitting of large froth installations.

(e) There shall further be provided one extinguisher of at least 30 gallons capacity in ships having one boiler room, and two such extinguishers in ships with more than one boiler room. These entinguishers shall be provided with hoses on reels suitable for reaching any part of the boiler rooms and spaces containing oil fuel pumping units : Provided that the Governor-General in Council may permit the fitting of any other equally efficient apparatus in place of the 30 gallons extinguisher.

(f) All containers and valves by which they are operated shall be easily accessible and so placed that they will not readily be cut off from use in case of fire.

Pumps.

43. (1) In all ships each of the steam or equivalent pumps shall be capable of supplying simultaneously two powerful jets of water for use in any part of the vessel. The pumps shall be worked by steam or by some other equally efficient motive power, and shall always be available for immediate use at all reasonable times when the vessel is in commission.

(2) All steam or equivalent pumps shall be provided with effective escape valves suitably adjusted and so placed as to prevent excessive pressure in any part of the water service system.

Water service pipes.

44. The main water service pipes shall be made of wrought material, and, if of iron or steel, shall, in the case of vessels whose keels are laid after the 1st September 1931, be galvanised. They shall be sufficiently large in diameter for the adequate

supply of water to the fire hoses which shall be secured to them for simultaneous operation. The branches shall be so placed that the fire hoses may be conveniently coupled to them, and cocks or valves shall be fitted where required to admit of any hose being removed, if desired, while the pumps are at work.

Fire Hoses.

45. (1) The fire hoses shall be of leather, seamless hemp, flax canvas of first-class quality, or other approved material. They shall be provided with suitable metal unions and conductors and with gooseneck connections where necessary.

(2) A sufficient number of fire hoses with attachments and conductors shall be suitably distributed about different decks in the ship so as to be readily available for rapid use in any space occupied by passengers or crew, and not less than three hoses and attachments shall be provided in any vessel.

(3) The fire hoses and the conductors, and other apparatus referred to in sub-rules (1) and (2), together with coupling wrenches if required, shall be kept ready for use in conspicuous positions near the water service hydrants or connections. They shall be used only for the purposes of extinguishing fires or for testing the fire extinguishing apparatus at fire drills and surveys, and not for washing decks.

Arrangements for injecting steam or other gas into Cargo Spaces and Boiler Rooms.

46. Where provision is made for the injection of steam or other gas into the cargo spaces and boiler rooms for fire extinguishing purposes the necessary pipes for conveying the steam or gas to holds or other compartments shall be provided with controlling valves or cocks readily accessible from the deck and so marked as to indicate clearly the compartments to which the pipes are respectively led. Suitable provision shall be made for locking these valves or cocks so as to prevent inadvertent admission of the steam or gas to any compartment. If any pipe is led to a space to which passengers have access, it shall be furnished with an additional stop valve or cock also capable of being locked. Provided that the Governor-General in Council may permit the substitution of any other equally efficient safety device giving the requisite security from danger.

Fluid Fire Extinguishers.

47. (1) A sufficient number of approved portable fluid fire extinguishers discharging water shall be provided in accordance with the requirements of rules 40 and 42. For ordinary purposes not specifically referred to in these rules, the capacity of portable extinguishers shall be not more than three imperial gallons, and not less than two imperial gallons, provided the Governor-General in Council may, in his discretion, permit the use of an extinguisher of less than two gallons capacity in special circumstances.

(2) An approved type of portable extinguisher discharging a medium other than water may, in the case of not more than 20 per cent. of the total number of extinguishers required to be carried, be substituted for the ordinary water-discharging extinguisher.

(3) The portable hand fluid fire extinguishers (apart from those supplied in boiler rooms, etc., specially for use in connection with oil fuel) shall not be of more than two types in any one ship.

(4) All extinguishers, whether portable or otherwise, shall be placed in positions where they are readily accessible.

Smoke Helmets and Safety Lamps.

48. At least two smoke helmets and two safety lamps of approved types shall be included in the fire extinguishing equipment of every vessel and the helmets shall be stowed separately. The members of the crew shall be practised regularly in their use.

Emergency Appliances.

49. The necessary emergency fire appliances such as knives, axes, and crowbars, shall be kept in a place readily accessible at all times, from different parts of the ship.

Fire Drill.

50. Fire drill shall be observed at least once a week on board all vessels and during such drill all fire appliances shall be put into use and the fact entered in the Log Book. The great utility of woolen or asbestos blankets for smothering small fires shall always be impressed on all persons taking part in a fire drill.

Custody of fire apparatus and fire Patrol.

51. (1) The fire apparatus shall be placed by the master under the special charge of one of the principal officers of the ship and of the ship's carpenter, who shall both be held responsible that the apparatus is kept in a state fit for immediate use. As soon as possible after leaving port, the officers and crew shall be divided into parties and assigned to stations in case of fire.

(2) A continuous patrol system shall be organised so that any outbreak of fire may be promptly detected.

52. (1) The cargo of every ship shall, before she leaves port, be properly stowed away, and the decks shall be cleared of any loose straw, hay and other inflammable material. Any goods which are dangerous by reason of their inflammability or liability to explosion shall be stowed, subject to the provisions of any law or rules in force, in such manner as to safeguard the ship from danger of fire or explosion. The tanks of motor cars carried on the ship shall be drained before loading.

Stowage of cargo and disposal of inflammables.

(2) Before a ship leaves port, every passenger shall deliver up any lucifer matches, gun-powder or other inflammable article in his possession.

53. Naked lights shall not be used in the holds or store rooms or between decks, except under trustworthy superintendence. No person shall read in bed with naked light. Casks or drums containing spirit shall not be opened in the hold but shall be hoisted on deck for the purpose.

Use of naked lights and spirits.

55. In the case of a small vessel under 200 feet in length when it is shown to be unreasonable to require full compliance with any of the provisions of these rules, such relaxation shall be granted as the Governor-General in Council may, having regard to all the circumstances of the case, direct.

Relaxation of rules.

*Means for making signals of distress.*

55. Any of the following commonly recognized night signals of distress may be used either together or separately :—

Signals of distress.

(1) A gun or other explosive signal fired at intervals of about a minute.

(2) Flames on the vessel (as from a burning tar or oil barrel).

(3) Rockets or shells, throwing stars of any colour or description, fired one at a time at short intervals.

(4) A continuous sounding with any fog signal apparatus.

(5) The international distress signal made by radiotelegraphy or radiotelephony or by any other distance signalling method.

56. All ships shall be provided with the means of making signals of distress at night specified in rules 57 to 59 or, in lieu thereof, with such other means of making signals of distress as have been previously approved.

Means of making signals of distress to be provided.

57. (1) One gun at least $3\frac{1}{2}$ inches in the bore, or one mortar at least $5\frac{1}{2}$ inches in the bore, shall be carried on all ships, with 24 charges of ammunition in the case of foreign-going ships, and 12 charges in the case of home-trade ships.

Gun.

(2) Each charge shall contain 16 ozs. of powder in a flannel bag. The necessary requisites for firing the gun, *namely*, rammers, sponges, wads, priming wires, friction tubes, powder flask, with fine powder for priming and means for firing and withdrawing the charges, shall also be provided.

(3) Approved socket distress signals and sound signal rockets may be carried in lieu of a gun, provided that the number of signals so carried shall be equal to the number of charges of ammunition required under sub-rule (1).

58. Two deck flares, self-igniting in water, shall be provided in every ship. Such deck flares shall be capable of burning brightly for at least 40 minutes. Full instructions for use shall be attached to each flare, and suitable receptacles for containing the water required for their combustion shall be provided, efficient means being adopted for ensuring free flow of water to the bottom of the light.

Deck flares.

59. (1) Twelve rockets or shell, throwing stars of any colour or description, shall be supplied, each rocket containing 16 ozs. of composition.

Rockets and socket signals.

(2) Approved socket distress signals may be supplied in lieu of rockets, provided that the number of signals so supplied shall be equal to the number of rockets required under sub-rule (1). If socket signals are also carried in lieu of a gun and charges of ammunition, the number shall be equal to the total number of charges of ammunition and of rockets required under sub-rule (1) of rule 57 and sub-rule (1) of this rule. Socket signals shall be fired only from the sockets supplied by the makers of the signals.

(3) The socket used for firing the socket signals shall in all cases be fixed at an angle which shall approximate as closely as possible to, but shall not be less than 20 degrees from the perpendicular, so as to obviate the risk of a signal falling on the vessel's deck if it fails to rise to the usual height. The sockets shall be of sufficient strength, and of such a gauge as to ensure that the signal will rise to a safe height before exploding.

(4) In all cases where socket signals are carried there shall be at least two sockets, one forward and one aft, on opposite sides of the vessel.

Testing and renewal of signals.

60. All pyrotechnic signals shall be clearly and permanently marked or stamped with the date of manufacture. Adhesive labels or painted figures alone shall not be accepted in lieu of such marking or stamping. Where sheet brass labels are used in contact with tin cases, the brass plates shall be properly soldered on and there shall be no corrosion of the canister.

Stowage of signals and combustibles.

61. (1) A separate, detached, and completely enclosed receptacle shall be provided for *each* of the following kinds of explosives :—

(1) gun powder or cartridges made therewith ;
(2) rockets ;
(3) socket signals ;
(4) deck flares and lifebuoy lights ;
(5) any other description of pyrotechnic signals.

(2) Such separate receptacles shall not be made merely by divisions or partitions in a cupboard or locker or chest, but each such receptacle shall be a separate magazine, exclusively appropriated to the keeping of explosives of the kind in question. Charges of powder, if carried, shall be contained in flannel bags, and the magazine in which they are kept shall be made of copper and strongly constructed. To prevent injury to the rockets and other signals, the receptacles shall either be internally divided in such a way that the signals can be stowed vertically, or they shall be of roughly the same length as the signals, but sufficiently narrow to prevent the signals being turned round. The lids shall be secured by hinges or brass screws so as to permit of an inspection being made without injury to the case. The receptacles shall, where possible, be kept in a house on deck, and stowed or ranged as far apart as circumstances will permit, so that in the event of spontaneous combustion, or of risk of any sort arising any of the cases may be at once removed. Where the socket signals are supplied by the manufacturer in wooden boxes with a tin box inside containing the friction tubes, no other receptacle shall be required for the latter.

(3) No article of an explosive or highly inflammable character shall be carried in any room or place in which any receptacle containing distress signals is deposited.

62. In the case of a small vessel under 200 feet in length when it is shown to be unreasonable to require full compliance with any of the provisions of these rules, such relaxation shall be granted as the Governor-General in Council may, having regard to all the circumstances of the case, direct.

*Fittings and other appliances to be provided on the upper-deck and in between-decks.*

63. (1) The Inspector shall see that sufficient ventilators are provided for the between-decks to give each pilgrim (*a*) in the upper between-deck 5 square inches, and (*b*) in the lower between-deck 10 square inches of ventilation are, exclusive of hatches and side scuttles, and that the ventilators are so placed as to afford an equable diffusion of air through all parts. The ventilators of the lower between-deck must act separately from those of the upper between-deck and, if pilgrims are carried on a deck below the lower between-deck, such lower between-deck, shall be ventilated by an approved mechanical system. Mechanical ventilation may be accepted in place of natural ventilation but in all cases where it is proposed to fit mechanical ventilation, full details of the arrangement with drawings shall be submitted for the approval of the Governor-General in Council.

(2) No pilgrim shall be accommodated on any deck lower than the first between-deck which is below the water-line.

64. Such provision shall be made for affording light to the between-decks by means of side scuttles as the circumstances of the case may, in the judgment of the Inspector, require. The pilgrims shall have the free and unimpeded use of the whole of every hatchway situated over the space appropriated to their use, and over each hatchway there shall be erected such a booby hatch or other substantial covering as shall, in the opinion of the Inspector, afford the greatest obtainable amount of light and air and of protection from sun and wet.

65. (1) Every pilgrim ship shall be lighted with efficient lighting by electricity to the satisfaction of the Inspector and shall carry at least six electric torches of a pattern approved by the Inspector to be utilised under the orders of the master of the ship for the purpose of providing illumination in the compartments occupied by pilgrims in the event of a failure of the main lighting arrangements.

(2) In every new ship there shall be two electric generators one of which shall be situated above the bulkhead deck.

(3) For the purposes of sub-rule (2) a new ship means a ship whose keel is laid after the expiry of two years from the date on which these rules come into force or which has not been certified to carry pilgrims during a period of two years prior to that date.

66. Efficient wind-scoops shall be provided for at least 25 per cent. of the opening scuttles on decks on which pilgrims are accommodated, at least two being provided in each separate compartment, and they shall be placed in position whenever weather conditions permit.

67. The number of pilgrims to be accommodated in any separate compartment shall be conspicuously marked on the bulkheads of such compartment in English and Urdu characters in the case of a ship sailing from Bombay or Karachi and in English and Bengali characters in the case of a ship sailing from Calcutta.

68. The space to be occupied by pilgrims in any compartment shall be clearly demarcated by lines so as to divide it into small blocks capable of accommodating in accordance with the requirements of sub-section (1) of section 193 or of any order issued by the Governor-General in Council under the said sub-section, pilgrims in batches of 5, 8, 10, 12 or other number not exceeding 12. The number of pilgrims which every such block is capable of accommodating shall be marked in that block in English and Urdu in the case of a ship sailing from Bombay or Karachi and in English and Bengali in the case of a ship sailing from Calcutta.

69. On the upper deck as well as in every compartment in the between-decks to be occupied by pilgrims, there shall be provided an alley-way at least 1½ feet in width. Every such alley-way shall be clearly demarcated by lines.

70. In every compartment allocated for the accommodation of pilgrims and occupying the full breadth of the ship there shall be fitted along the ships side sleeping boards for the use of the pilgrims of sufficient strength to the satisfaction of the Inspector.

The sleeping boards shall be so arranged as to provide, so far as practicable, a continuous shelf 6 feet in width along the ship's side at a height of 3 feet 6 inches above the deck. The boards may be made in convenient sizes, and may be portable and capable of being folded against the ship's side or of being removed when not required for the use of pilgrims.

71. The upper-deck of every pilgrim ship shall be either of wood, or of iron or steel sheathed with wood and caulked.

72. Each hatchway (*a*) shall be provided with a large tarpaulin tent which shall in bad weather be spread well over the hatchway and securely fastened so as to keep out rain and let in fresh air, and in fine weather shall be rolled up and put out of the way; and (*b*) except where arrangements exist for lowering the derrick boom in a way which will serve the purpose, shall also be fitted with a strong iron or wooden A-shaped frame for the support of such tent.

73. Every pilgrim ship shall have poop, quarter deck, waist and forecastle awnings complete and in good order, and six windsails distributed as the Inspector may direct. The awning and windsails shall be kept up so long as the weather does not render this impossible.

74. Strong ladders 2½ feet wide with hand rails of a convenient height shall be provided for every hatchway used as such and not merely as a ventilator; and, as additional means of support for women and children, knotted handropes shall be fastened conveniently near the ladders.

75. The space to be occupied by pilgrims shall be kept clear from obstruction of any kind whatever and thoroughly clean and dry; nothing shall be slung up or stowed away between the beams. Every day while the pilgrims are on deck the between-decks shall be carefully cleaned and scrubbed with dry sand mixed with suitable disinfectants.*

76. Bamboos, ropes or strong rails shall be securely fastened fore and aft to the midship stanchions on the between-deck.

77. No timber or cargo of any kind, and only the necessary fittings properly secured and live-stock for consumption on the voyage, shall be allowed on the upper-deck; which shall, save as aforesaid, be exclusively reserved for the pilgrims.†

*Calvert's powder in the proportion of 10 per cent. should be used.
†Pilgrims should be encouraged to use the upper-deck as much as possible.

78. No structural alteration such as the erection of deck-houses for the accommodation of pilgrims or the cutting of decks or side-plates for ventilators, side scuttles, etc., shall be effected in any pilgrim ship unless it is carried out with the previous permission and to the satisfaction of the Surveyor. When any such alterations have not been carried out and approved by the Surveyor at the time of the survey of the vessel under Part III of the Act, a certificate from a Principal Officer of the Mercantile Marine Department that the alterations have been made with the permission and approval of the Surveyor shall be produced for the inspection of the Inspector.

*Supply of cooked and uncooked food aad water.*

79. (1) (*a*) For the purposes of the supply of food during the voyage, pilgrims shall be divided into two classes, hereinafter referred to as class A and class B, respectively.

(*b*) Class A shall comprise pilgrims who desire to be supplied daily with—

(*i*) morning tea ;

(*ii*) day meal ;

(*iii*) afternoon tea ; and

(*iv*) evening or night meal.

(*c*) Class B shall comprise pilgrims who desire to be supplied daily with—

(*i*) either morning tea or afternoon tea ; and

(*ii*) either day meal or evening or night meal.

(2) Every pilgrim of class A shall be provided by the master of the ship daily throughout the voyage with food on the following scale :—

(*a*) *Morning tea*—

(*i*) One cup of tea.

(*ii*) Two biscuits or one chapati, according to the pilgrim's choice.

(*b*) *Day meal*—

(*i*) Rice or chapatis, according to the pilgrim's choice, in such quantity as the pilgrim may require.

(*ii*) One plate of mutton and vegetable mixed, on alternate days.

(*iii*) One plate of vegetable dish, with or without dry fish according to the pilgrim's choice, on days on which item (*ii*) above is not supplied.

(*iv*) Dal in such quantity as the pilgrim may require.

(*v*) Kachumar or pickles.

(*c*) *Afternoon tea*—

One cup of tea.

(*d*) *Evening or night meal*—

(*i*) Rice or chapati according to the pilgrim's choice, in such quantity as the pilgrim may require.

(*ii*) One plate of vegetable dish.

(*iii*) Dal in such quantity as the pilgrim may require.

(*iv*) Kachumar or pickles.

(3) Every pilgrim of class B shall be provided by the master of the ship daily throughout the voyage with either morning tea or afternoon tea and with either dav meal or evening or night meal, according to the pilgrim's choice, on the scale laid down in sub-rule (2).

(4) Every pilgrim shall, at the time of buying his ticket, inform the person who issues the ticket whether he—

(*i*) desires to be included in class A or class B ;

(*ii*) will take rice or chapati for the day meal and the evening or night meal ;

(*iii*) whether he will or will not have dry fish with the vegetable dish to be served on alternate days at the time of the day meal.

80. Arrangements shall be made on every pilgrim ship to make available to pilgrims, apart from the food to be supplied under sub-rules (2) and (3) of rule 79, the articles mentioned below, on payment of extra charges at the rate specified against each article —

| Name of article. | Rs. | A. | P. | |
|---|---|---|---|---|
| Fowl (whole) with gravy | 1 | 8 | 0 | each. |
| Fowl | 0 | 7 | 6 | per plate. |
| Kofta | 0 | 3 | 0 | per plate. |
| Mutton korma | 0 | 3 | 0 | per plate. |
| Biryani | 0 | 6 | 0 | per plate |
| Kabab shami | 0 | 0 | 9 | each. |
| Sardines | 0 | 3 | 0 | per tin |
| Egg (boiled) | 0 | 1 | 6 | each |
| Egg (fried) | 0 | 2 | 3 | each. |
| Khichri pulao | 0 | 4 | 6 | per plate. |
| Curry and rice | 0 | 6 | 0 | per plate. |
| Rice | 0 | 1 | 6 | per plate. |
| Paratha | 0 | 3 | 0 | each. |
| Chapati | 0 | 0 | 9 | each. |
| Leavened bread | 0 | 0 | 9 | each. |
| Biscuits | 0 | 0 | 9 | for two. |
| Halwa or Pudding | 0 | 3 | 0 | per plate. |
| Sweetmeats | 0 | 6 | 0 | per plate. |
| Dal | 0 | 1 | 3 | per plate. |
| Tea | 0 | 0 | 9 | per cup. |
| Coffee | 0 | 1 | 6 | per cup. |
| Soda water | 0 | 1 | 6 | per bottle. |
| Lemonade and other ærated water (sweet). | 0 | 2 | 3 | per bottle. |
| Lemon squash | 0 | 2 | 0 | per tumbler. |
| Syrup (lemon) | 0 | 1 | 6 | per tumbler. |
| Syrup | 0 | 12 | 0 | per bottle. |
| Butter | 0 | 12 | 0 | per tin. |
| Ghee | 0 | 12 | 0 | per pound, |
| Jam | 0 | 6 | 0 | per tin. |
| Pine apple | 0 | 6 | 0 | per tin. |
| Condensed milk (Anglo-Swiss) | 0 | 12 | 0 | per tin. |
| Condensed milk (Cow's head) | 0 | 4 | 6 | per tin. |
| Sugar | 0 | 2 | 3 | per pound |
| Chutney | 0 | 12 | 0 | per bottle. |
| Oranges | 0 | 1 | 6 | each. |
| Sweet lemons | 0 | 1 | 6 | each. |
| Apples | 0 | 0 | 9 | for two. |
| Plantains | 0 | 0 | 9 | for two. |
| Hot water | 0 | 0 | 6 | per gallon. |

81. Any medicines or any articles of special diet for infants or invalid or sick persons brought by pilgrims for use during the voyage shall, when necessary, be cooked free of charge in the ship's kitchens.

82. Cooking on board in pilgrims' private stoves or *sigrees* shall be strictly forbidden.

83. All cooks and attendants employed on board a ship for cooking and serving the pilgrims' food shall be Muslims. The number of such cooks and attendants shall be such as the Inspector may consider necessary.

84. (1) All articles of food supplied to pilgrims shall be of good quality.

(2) No articles which may be objectionable according to Islamic *Sharist* shall be used in the preparation of food to be supplied to pilgrims.

85. Every pilgrim shall provide his own plates, cups and other receptacles in which food may be served to him during the voyage.

86. In the case of pilgrims travelling by the lowest class available on the ship, the food to be supplied to them under sub-rule (2) or sub-rule (3) of rule 79 shall be distributed at such hatches or other places and subject to such arrangements, as the Inspector may consider suitable.

87. Articles of food to be made available to pilgrims under rule 80 shall be kept for sale at a place approved by the Inspector and marked with a signboard written in bold letters in English and Urdu in the case of a ship sailing from Bombay or Karachi, and in English and Bengali in the case of a ship sailing from Calcutta announcing that articles of food can be procured there on payment. At the same place shall also be posted—

(*i*) a table in English and Urdu in the case of a ship sailing from Bombay or Karachi and in English and Bengali in the case of a ship sailing from Calcutta showing the articles of food which a pilgrim is entitled to get daily during the voyage under sub-rule (2) or sub-rule (3) of rule 79; and

(*ii*) a list in English and Urdu in the case of a ship sailing from Bombay or Karachi and in English and Bengali in the case of a ship sailing from Calcutta showing the names and prices of the articles offered for sale in accordance with rule 80 and any other articles that may also be available for sale.

88. (1) Every pilgrim ship shall have on board supplies sufficient, in the opinion of the Inspector, to ensure compliance with sub-rules (2) and (3) of rule 79 and rule 80 during the voyage.

(2) Every pilgrim ship shall, in addition to the supplies required under sub-rule (1), have on board, either as cargo or stores, food sufficient, in the opinion of the Inspector, to provide for the pilgrims in the event of an accident to the ship's machinery.

89. Each ship shall be fitted with a condenser or distilling apparatus of sufficient capacity to produce at least one and a half gallon of drinking-water a day for every person on board of whatever age, including the crew.

90. No certificate under section 155 shall be granted unless the condenser can not only supply the minimum quantity of water prescribed under rule 89 for each person on board, but also yield every 24 hours 500 gallons of pure, cold water fit to drink.

91. The tanks for storing drinking-water on board shall not be placed near the latrines. They shall be protected from all filth, and shall be so closed that the distribution of the water can be effected only by means of "waste-not" taps fitted to the tanks. Such taps shall be in the proportion of 1 per 250 pilgrims or fraction of that number in excess of 250. Pilgrims shall be allowed to take water from the taps at all times between the hours of 5 A. M. and 9 P.M. provided that the master of the ship if, at any time after the end of three days from the commencement of a voyage, he is satisfied that the quantity of water taken by the pilgrims is in excess of 2 gallons per day per pilgrim, may restrict the supply to four periods of two hours each as stated below namely :—

(i) 5 A. M. to 7 A. M.
(ii) 12 NOON to 2 P. M.
(iii) 4 P. M. to 6 P. M., and
(iv) 8 P. M. to 10 P. M.

92. The water of any tank pronounced bad by the medical officer of the ship shall be immediately rejected and pumped out and the tank shall be cleaned out and disinfected before being re-filled.

93. If there is any doubt as to the quality of the drinking-water stored, or as to the possibility of its pollution, either at its source or in the course of the voyage, it shall be well boiled ; and it shall be thrown into the sea as soon as it is possible to obtain a purer supply.

94. Every condenser or distilling apparatus shall have a separate engine for working the circulating cold water pump, and under no circumstances shall this engine be used for any other purpose than that of feeding the boiler of the condenser.

95. The arrangements for discharging the circulating water from the condenser shall be such that it can be delivered into buckets or connected with a hose for the purpose of washing decks, or extinguishing fire, as well as discharging over the ship's side. A suitable hose and connection shall also be provided.

96. Either upright or horizontal boilers may be used for condensers. Each boiler shall be furnished with a steam-gauge indexed to double the working pressure, a glass water-gauge and two separate gauge cocks, one safety-valve and two mud-hole doors for the purposes of cleaning.

97. The boilers and all machinery connected with condensers shall be properly covered in, and every wooden bulkhead in the vicinity of the boilers or condensers shall be covered with sheet led weighing 4½ lbs. per square foot and securely fastened to such bulkhead.

98. All the piping in connection with the condenser, especially the main suction and the condensed water discharge-pipe, unless laid in such a position that no accident can occur, shall be securely encased.

99. The Inspector shall satisfy himself by actual experiment that the condenser is capable of performing the work required of it.

100. The Chief Engineer or some other competent person to be approved by the Inspector, shall be appointed to have charge of the distilling apparatus and machinery connected therewith during the voyage.

*Cargo.*

101. (1) No petroleum as defined in the Indian Petroleum Act, 1899 (VIII of 1899), (except such petroleum as is necessary for use as fuel for the ship during the voyage and the return voyage to India, or explosive as described in the Indian Explosives Act, 1884 (IV of 1884), nor any inflammable oils, spirits, jute, cotton, or coal (except such coal as is required for the voyage and the return voyage to India), nor any commodity likely, by reason of its quantity, quality or mode of stowage, to be prejudicial to the safety of the pilgrims, shall be carried on board any pilgrim ship.

(2) Where petroleum is carried in bulk for use as fuel for any pilgrim ship—

It shall have a flash point of not less than 150° Fahrenheit by Abel's closed test and shall be carried in cellular double bottoms under engine and boiler compartments, or under ordinary holds or in peak tanks, deep tanks or bunkers of approved construction:

Provided that the oil fuel storage tanks and installations in connection therewith fully comply with the conditions described in the Instructions to Sureyors contained in the Board of Trade Circular No. 1647 (Oil Fuel Installation in Passenger Steamship), dated January 1924.

With each supply of oil taken on board a written guarantee shall be supplied by the vendor, and signed by a responsible official in his employ, of the actual close test flash point,the type of instrument by which the test was made being in every case specified These particulars shall be entered in the engine room log.

102. No pilgrim ship calling at Aden for the embarkation or disembarkation of pilgrims or for the loading or discharge of cargo shall be delayed at that port on account of the embarkation or disembarkation of pilgrims or the loading or discharge of cargo for a period exceeding 12 hours.

103. No pilgram ship carrying pilgrims from any port in British India and calling at any other port in British India except Aden, *en-route* to the Hedjaz for the embarkation or disembarkation of pilgrims or for the loading or discharge of cargo shall be delayed at the port of call on account of the embarkation or disembarkation of pilgrims or the loading or discharge of cargo, for a period exceeding forty-eight hours.

*Allotment of upper-deck space.*

104. No cabin shall be provided for any pilgrim on the upper-deck unless space remains unallotted on that deck after providing the accommodation required for the permanent and temporary hospitals, latrines, and six superficial feet of airing space for every pilgrim on board. Such space as remains unallotted after making provision for these requirements may be reserved for the accommodation of the pilgrims in cabins containing not less than 16 superficial and 96 cubic feet of space per pilgrim. No pilgrims shall be furnished with reserved accommodation on the upper-deck except in a cabin.

105. The airing space on the upper-deck may be distributed among pilgrims of different classes in such manner as the master or owner may desire: Provided that the airing space allotted to any particular class of pilgrims shall be sufficient to provide at least six superficial feet of such space for every pilgrim of that class.

*Amount and distribution of baggage.*

106. (1) Pilgrims' heavy baggage shall be registered and numbered and deposited in the hold before the ship leaves her moorings.

(2) Pilgrims shall be allowed to keep with them only such articles as are absolutely necessary and the articles so kept shall not exceed one maund (82 lbs.) in weight per pilgrim.

(3) If a pilgrim so desires, the master shall arrange for the safe custody of the pilgrim's valuables, except those of a bulky nature during the voyage. A receipt shall be given to the pilgrim for the articles so received for safe custody and on presentation of the receipt the articles shall be returned to the pilgrim.

*Hospital accommodation, medical stores, and arrangements for maintaining health, cleanliness and decency.*

107. (1) The hospital accommodation required under section 195 shall be provided where convenient. A permanent hospital shall be provided for not less than 3 per cent. of the pilgrims on board containing not less than six bunks, and having a deck area of at least 32 superficial feet and dimensions of not less than 192 cubic feet per head. On every pilgrim ship on which there are 50 or more female pilgrims, there shall be a separate permanent hospital, containing not less than two bunks with a deck area of at least 72 superficial feet and dimensions of not less than 432 cubic feet, which shall be reserved for the use of women and of children under 12 years of age. The hospitals shall be lighted and ventilated to the satisfaction of the Inspector and shall be provided with raised floors or platforms at least 4 inches off the deck when situated on iron deck. If on deck they shall be made as secure as any other deck-house, and the roof shall be well caulked and covered with painted canvas.* No case of small-pox, cholera, yellow fever or plague shall on any account be treated in a permanent hospital. Permanent hospital shall be used solely for the accommodation of sick pilgrims and in so far as they are not required for the accommodation of such pilgrims, shall remain unoccupied.

*The fittings used in constructing permanent hospitals should be of iron in preference to wood.

(2) Every pilgrim ship shall be provided with mattresses, blankets, pillows and bed-sheets in the proportion of one mattress, one blanket, one pillow and two bed-sheets for every 50 pilgrims. These articles shall as a rule be used only for non-infectious cases and in the event of their being used at any time for infectious cases, they shall be destroyed immediately.

(3) Materials shall be carried for the construction on the upper-deck of a separate temporary hospital for the treatment of such cases of sickness as it may be considered desirable specially to segregate (such as small-pox, cholera, yellow fever or plague) and for use in the event of the permanent hospital accommodation becoming insufficient owing to any general outbreak of sickness. The part of the upper-deck upon which such hospital shall, if required, be erected, shall be pointed out and measured off by the Inspector. The framework of the hospital shall be either of iron (in pieces that can be easily fitted together) or of wooden spars or bamboos. The roof shall be tented and both the roof and the side walls shall be made of stout canvas and be perfectly water-tight, due provision being at the same time made for ventilation.

The floor shall be raised at least 4 inches from the deck. The superficial area of the floor shall be not less than the greater of the following areas, namely :—

(a) 144 square feet or,

(b) such area as will, together with the permanent hospital, accommodate four out of every hundred, or fraction of an even hundred, of the pilgrims on board the ship.

(4) Every hospital, permanent or temporary, shall be provided with a special latrine.

(5) In cases of sickness which it has been considered desirable to segregate no person other than the Medical Officer and the person or persons charged with the duty of looking after the patients shall have access to the patients and any person other than the medical officer and medical attendants referred to in rule 163 who has had access to the patients shall, so far as possible, be prevented from coming into contact with any other person on board.

108. A suitable dispensary to be approved by the Inspector shall be provided. The dispensary shall be kept open for two hours in the morning and two hours in the evening every day. Urgent cases shall be attended to promptly at any time of the day and night.

109. (1) Every pilgrim ship shall be provided with the articles specified in the first column of the annexed Table. If the number of pilgrims on board does not exceed one hundred, the quantity of each article to be provided shall be that specified in the corresponding entry in the second column of the said table. If the number exceeds one hundred, the quantity shall be increased in proportion.

*Table.*

| | |
|---|---|
| Sago .. .. .. .. | 5 lbs. |
| Arrowroot in tin cases .. .. .. | 10 „ |
| Preserved milk * (1-lb. tins) .. .. | 1 dozen. |
| Leibig's extract of meat in 2-oz. tins or jars .. | 1 lb. |
| Sugar .. .. .. .. | 5 lbs. |
| Rum .. .. .. .. | 1 quart bottle. |

(2) Issues from these articles shall be made to pilgrims gratuitously as and when the medical officer may in his discretion direct.

110. (1) Every pilgrim ship shall be provided with the medicines, medical appliances and miscellaneous articles specified in the first column of Table A annexed hereto. If the number of pilgrims on board does not exceed one hundred the quantity of each medicine, medical appliance or miscellaneous article to be provided shall be that specified in the corresponding entry in the second column of the said Table A. Where the number of pilgrims exceeds one hundred, the quantity so specified shall be multiplied by the figure specified in the appropriate entry in the second column of Table B annexed hereto. The said medicines, medical appliances and miscellaneous articles, shall be employed with due regard to any instruction contained in the appropriate entry in the third column of the said Table A.

(2) Every pilgrim ship shall in addition be provided with 1½ c. cs. of Lister anti-plague vaccine or 4 c. cs. of Haffkine anti-plague vaccine for every person on board who

*The contents of a pound tin of preserved milk mixed with half a gallon of water make good milk.

has not been certified by the Port Health officer to have been protected against plague, by inoculation immediately before embarkation. Anti-plague vaccine shall be administered in accordance with the instructions enclosed with the phials containing it. Ordinarily in the case of adults Lister anti-plague vaccine shall be administered in two doses of ½ c. c. and 1 c. c. respectively and Haffkine anti-plague vaccine in a single dose of 4 c. c. or 3 c.c. according as the vaccine is or is not more than three months old. The vaccine shall be kept in cold storage and used when required and shall be discarded in accordance with the date of expiry on the phials under the orders of the Sanitary authority of the port.

(3) No payment shall be demanded or received by any medical officer or attendant from any pilgrim on account of medical attendance, treatment or supply of medicines during the voyage.

### *Weight and Measures of the British Pharmacopœia.*

TABLE A.

| Name of medicine, medicinal appliances or miscellaneous articles. (1) | Quantity per hundred pilgrims. (2) | Instructions for use. (3) |
|---|---|---|
| Acidum, acetic | 2 oz. | The preparations of ammonia, ether, chloroform, iodine, and all acids should be in well stoppered bottles.<br>Chloroform should be in blue glass or covered from light by dark paper.<br>All the drugs, etc., must be properly labelled with the quantities marked on each label.<br>"Poisons" should be especially distinguished by labels with the word 'Poison' on them. |
| Acidum, boricum | 2 " | |
| Acidum, carbolicum (cryst) | 1 " | |
| Acidum, nitro-hydrochloricum dilutum | 1 " | |
| Acidum, sulphuricum dilutum | 1 " | |
| Acidum tannic | ½ " | |
| Acidum, tartaricum | 2 " | |
| Aether sulphurus | ½ " | |
| Alumen (in powder) | 2 " | |
| Ammonii carbonas | 2 " | |
| Ammonii chloride | ½ " | |
| Argenti nitras | ¼ " | |
| Bismuth subnitrate | ½ " | |
| Borax | ½ " | |
| Calcium lactate | ¼ oz. | |
| Calomel | ¼ " | |
| Camphora | ½ " | |
| Chlorodyne | 2 " | |
| Chloroformum | 1 " | |
| Chrysarobinum | ¼ " | |
| Cocainæ solution, 10 per cent. | ¼ " | |
| Copaiba | 1 " | |
| Creosotum | ¼ " | |
| Digitalin, gr. 1/100 | ½ tube of 25 tablets. | |
| Emetine hydrochloride, gr. ½ | 2 tubes of 25 tablets. | |
| Extract gentian | ½ oz. | |
| Glycerinum | 1 " | |
| Gum acacia | ½ " | |
| Hydragyrum cum creta | ½ " | |
| Hypodermic tablets of morphine, gr. 1/6th | ½ tube of 25 tablets. | |
| Idoformum | 1 oz. | |
| Linimentum camphoræ compositum | 2 " | |
| Lini farina | 2 lbs. in tin cases. | |
| Liquid Extract of Ergot | ½ oz. | |
| Liquor ammoniæ | 1 " | |
| Liquor ammonii acetatis | 6 " | |
| Liquor arsenicalis | ¼ " | |
| Liquor atropinæ sulphatis | ⅛ " | |
| Liquor calcis | 1 pint. | |
| Liquor epispasticus fortior | ¼ oz. | |
| Liquor Hydrag perchlor | 1 " | |
| Liquor morphinæ hydrochlor | ½ " | |
| Liquor strychninæ hydrochlor | ¼ " | |
| Magnesi carbonas | ¼ " | |
| Magnesi sulphas, in tins | 3 lbs. | |
| Oleum anisi | ½ " | |
| Oleum caryophilli | ¼ " | |
| Oleum eucalypti | ½ " | |
| Oleum lini | ½ pint. | |
| Oleum menthæ pipertæ | ¼ oz. | |
| Oleum ricini | 2 pints. | |
| Phenacetin | ¼ oz. | |
| Pilula asafœtidæ composita | 1 doz. | |
| Pilula colocynthidis et hyoscyami | 2 dozs. | |
| Pilula Plumbi cum opio, B. P. | 4 " | |
| Pilula scillæ composita | 4 " | |
| Potassii bromidum | 1 oz. | |
| Potassii chloras | 1 " | |
| Potassii citras | 1 " | |
| Potassii iodine | ½ " | |
| Potassii nitras | 2 oz. | |
| Potassii permanganas | 2 " | |
| Pulvis ipecacuanhæ, 5-gr. powders | 1 doz. | |
| Pulvis ipecacuanhæ compositus in 5-gr. powders | 4 dozs. | |
| Pulvis jalapæ compositus | 1 oz. | |

| Name of medicine, medicinal appliances or miscellaneous articles. (1) | Quantity per hundred pilgrims. (2) | Instructions for use. (3) |
|---|---|---|
| Quininæ sulphas, in 5-gr. pills | 12 dozs. | |
| Quininæ sulphas, in bulk | 2 oz. | |
| Salol | ¼ „ | |
| Sinapis (in powder) | 4 „ | |
| Sodii bicarbonas | 1 „ | |
| Sodii salicylas | ½ „ | |
| Spiritus ætheris nitrosi | 2 „ | |
| Spiritus ammoniaromat | 1 „ | |
| Spiritus rectificatus | 8 „ | |
| Strychninæ hydrochloride, gr. 1/100 | ½ tube of 25 tablets. | |
| Tinctura aconiti | ⅛ oz. | |
| Tinctura benzoinæ co | ½ „ | |
| Tinctura camphoræ co | 1 „ | |
| Tinctura capsici | ½ „ | |
| Tinctura cinchonæ co | ½ „ | |
| Tinctura digitalis | ½ „ | |
| Tinctura ferri perchloride | 1 „ | |
| Tinctura hyoscyami | ½ „ | |
| Tinctura iodi | 1 „ | |
| Tinctura lobelia etheris | ¼ „ | |
| Tinctura nucis vomicæ | 1 „ | |
| Tinctura opii | 1 „ | |
| Tinctura quininæ ammon | 1 „ | |
| Tinctura senegæ | 1 „ | |
| Tinctura zingiberis | 1 „ | |
| Tragacantha powder | 1 „ | |
| Unguentum hydrag ammoniatum | ½ „ | |
| Unguentum hydragyri | ½ „ | |
| Unguentum simples | 2 oz. | |
| Unguentum sulphuris | 2 „ | |
| Unguentum zinci | 1 „ | |
| Urotropine | ¼ „ | |
| Vaseline | 2 „ | |
| Vinegar | 1 pint. | |
| Vinum antimoniale | ½ oz. | |
| Vinum ipecacuanhæ | 1 „ | |
| *Miscellaneous articles.* | | |
| Adhesive plaster (in tin case) | 1 yard. | |
| Anti-septic gauze | 1 „ | |
| Bandages (roller) | ½ doz. | |
| Bed-pan (metal) | 1 | |
| Bed-urinal | 1 | |
| Calico | 2 yards. | |
| Corks for bottles | 1 doz. | |
| Cotton wool (country) | 1 lb. | |
| Flannel | 2 yards. | |
| Fresh vaccine lymph | 6 tubes. | |
| Lint | 4 yards. | |
| Papers for powders, etc. | 1 quire. | |

TABLE B.

| Number of pilgrims on board. | Figure by which quantity for one hundred pilgrims to be multiplied. |
|---|---|
| From 101 to 250 Pilgrims | 1½ times. |
| From 251 to 400 Pilgrims | Twice. |
| From 401 to 550 Pilgrims | Thrice. |
| From 551 to 750 Pilgrims | Four times. |
| From 751 to 950 Pilgrims | Five times. |
| From 951 to 1,150 Pilgrims | Six times. |
| From 1,151 to 1,350 Pilgrims | Seven times. |
| From 1,351 to 1,550 Pilgrims | Eight times. |
| From 1,551 to 1,750 Pilgrims | Nine times. |
| From 1,751 to 1,950 Pilgrims | Ten times. |
| From 1,951 to 2,150 Pilgrims | Eleven times. |
| From 2,151 to 2,350 Pilgrims and so on. | Twelve times. |

111. Every pilgrim ship shall be provided with the disinfectants, instruments and articles specified in the first column of the annexed table, the quantity of each disinfectant and the number of each instrument or article to be provided, being that specified in the corresponding entry in the second column.

*Table.*

| Name of disinfectants and instruments, etc. | Quantity or number per ship. |
|---|---|
| *Disinfectants—* | |
| Calvert's carbolic 15 per cent. powder. To be put up in ten hermetically sealed tins each containing 5 lbs. | 50 lbs. |
| Corrosive sublimate | 5 lbs. |
| Fresh slaked lime | 20 lbs. |
| Hydrochloric acid | 1 gal. |
| Methylated alcohol | 5 gals. |
| Phenol | 20 gals. |
| Sulphur | 32 lbs. |

| Name of disinfectants and instruments, etc. | Quantity or number per ship. |
|---|---|
| *Instruments and other articles—* | |
| Artery forceps (in addition to the one already supplied in pocket dressing case) .. .. .. | 1 |
| Boxes, chip, for ointment (1 oz. each) .. .. | 18 |
| Catheter India rubber nos. 2, 4, 6 and 10 .. .. | 1 set. |
| Catheter silver (no. 8 size) .. .. .. | 1 |
| Clinical thermometer (in addition to the one already supplied in pocket dressing case) .. .. | 1 |
| Dispensing bottles (3 oz.) .. .. .. | 12 each. |
| Enamelled bowl .. .. .. | 1 |
| Enamelled tray (round) .. .. .. | 1 |
| Enamelled tray (kidney shaped) .. .. | 1 |
| Enema can .. .. .. .. | 1 |
| Eye cup .. .. .. .. | 1 |
| Glass measures, 2 oz. .. .. .. | 2 |
| Glass measures, 2 drachms .. .. .. | 2 |
| Hypodermic syringe, 20 minimume .. .. | 1 |
| Infusion pot .. .. .. .. | 1 |
| Midwifery forceps .. .. .. .. | 1 pair. |
| Penknife .. .. .. .. | 1 |
| Pestle and mortar (brass) .. .. .. | 1 |
| Pestle and mortar (wedgwood) .. .. | 1 |
| Pocket dressing case to contain 1 probe, 1 director, 1 female catheter, 1 clinical thermometer (in case), 1 pair of scissors, 1 dressing forceps (plated), 6 suture needles, 1 artery forceps, I Symes abscess knife, 1 straight and 1 curved bistuory in 1 handle, 1 lancet (bleeding), silk thread for sutures (20) grains .. .. .. .. | 1 |
| Rubber gloves .. .. .. .. | 2 pairs. |
| Scales and weights (grains) .. .. .. | 1 |
| Scissors (shop) .. .. .. .. | 1 |
| Spare weights (grains) .. .. .. | 1 set. |
| Spatula .. .. .. .. | 1 |
| Splints (common) .. .. .. | 1 set. |
| Steriliser for surgical instruments, small .. .. | 1 |
| Syringe, ear pewter .. .. .. | 1 |
| Syringe, enema, patent .. .. .. | 1 |
| Syringe, urethral (male) ... .. .. | 1 |
| Syringe, urethral (female) .. ... .. | 1 |
| Tooth forceps— | |
| Upper incisors .. .. .. ... | 1 |
| Lower incisors .. .. .. .. | 1 |
| Lower molar .. .. .. .. | 1 |
| Upper molar, right .. .. .. .. | 1 |
| Upper molar, left ... .. .. .. | 1 |
| Waterproof sheets .. .. .. .. | 6 |

112. The following certificate showing that medicines, etc., have been duly supplied and received according to the requirements of rules 110 and 111 shall be produced before the Inspector at the time of the inspection :—

(1) Certified that we have supplied medicines, etc., for ———— pilgrims proceeding to ———— in the S. S. ———— according to the prescribed scale [or we have supplied medicines, etc., so as to make up deficiencies in existing stock up to the prescribed scale].

*Dated* *Chemists.*

(2) Certified that I have carefully compared the prescribed list with the medicines, etc., examined by me on board the pilgrim ship ———— and am satisfied that the supply is correct.

*Medical Officer.*
*Health Officer.*

*Dated* *Ship*

113. (1) Every pilgrim ship shall carry a disinfecting stove approved by the Health Officer of the port in British India at which the voyage is to commence.

(2) Articles of bedding, carpets and clothes which have been used by patients affected with cholera, plague, dysentery or any other infectious disease or by persons

who have had access to such patients shall, if their value is negligible, be thrown into the sea or if the ship is in a port or canal be destroyed by fire. If their value is more than negligible, they shall immediately be carried for disinfection to the disinfecting stove in impermeable bags sprinkled with a solution of corrosive sublimate and shall be disinfected under the supervision of the Medical Officer.

(3) The excreta and dejecta of persons showing symptoms of cholera, plague, dysentery or any other infectious disease, who are not able to use the hospital latrines shall be collected in vessels containing a disinfecting solution, and vessels shall be emptied into the hospital latrines which shall be thoroughly disinfected every time this is done.

(4) Articles other than those specified in sub-rule (2) which have come into contact with persons suffering from cholera, plague, dysentery or any other infectious disease shall be throughly disinfected in the following manner :—

(a) Articles so contaminated or suspected of being so contaminated shall, unless they are liable to be destroyed by exposure to heat, be disinfected in the disinfecting stoves under pressure, the stove being maintained at a temperature (to be tested during each operation) of 220° Fahr. and the articles being exposed to this temperature for 15 minutes.

(b) Articles liable to be destroyed by exposure to the heat of a disinfecting stove, such as metals, leather, tables, lockers, etc., shall be disinfected by being washed with disinfecting solution.*

(5) Ships on which cases of cholera, plague, dysentery or any other infectious disease have occurred shall be disinfected in the following manner :—

(a) The cabins† and all parts of the ship occupied by patients suffering or suspected to be suffering from any such disease shall be emptied and all articles removed and disinfected in accordance with sub-rule (4).

(b) The interior sides, bulkheads, floors and decks of the ship shall be washed with corrosive sublimate solution‡ with the addition of 10 per cent. of alcohol (*i.e.*, one gallon of methylated alcohol to every ten gallons of the corrosive sublimate solution), and two hours after washing, shall be scrubbed, and then thoroughly washed down with plenty of water.

(c) The hold of the ship shall be strewn from time to time with a sufficient quantity of iron sulphate to neutralise the sulphuretted hydrogen, and the water in the hold shall then, unless the ship is in dock, be pumped out and the hold washed with sea-water and sprinkled with corrosive sublimate solution.

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* One of the following disinfecting solutions should be used—

(a) Corrosive sublimate in the following proportion :—

Corrosive sublimate, ½ oz.

Hydrocholoric acid, 1 oz.

Water, 3 gallons.

Fuchsin or losin, 5 grains.

(b) Phenol, five parts in 100 parts of water.

(c) Fresh slaked lime.

The different disinfecting solutions are useful for the following purposes :—

(a) Linen, clothes and articles soiled by the evacuations of cholera patients should be put into the corrosive sublimate solution.

(b) Persons in attendance on the sick should use the corrosive sublimate solution, when washing themselves, in the proportion of one part of the solution to 2,000 parts of water.

(c) Phenic acid should be used to disinfect articles which cannot be exposed to a temperature of 220° Fahr. or to contact with sublimate solutions, such as metals, instruments, etc.

(d) Slaked lime is specially useful to disinfect the evacuations of cholera patients; in the absence of slaked lime phenic acid will answer the same purpose. When slaked lime is used for disinfecting liquids, it should be used in the proportion of three lbs. of lime to 10 gallons of the liquid to be disinfected.

† For the purpose of fumigating cabins and confined spaces, one ounce of sulphur should be burnt for every 30 cubic feet of the space to be fumigated, the cabin or other space being completely closed during the operation and kept so for twelve hours.

‡The washing should commence from the top, horizontally and downwards, so that the whole urface becomes covered with a coating of the solution in fine drops.

114. (1) Every pilgrim ship shall keep on board, such stock of the undermentioned materials as may, in the opinion of the Inspector, be sufficient to provide for the burial of at least two per cent. of the pilgrims, with due regard to the requirements of sub-rules (2) and (4) :—

Long cloth for shrouds.
Bath soap (not scented).
Ritha (Soap berries).
Soorma.
Rose water.
Atar (Rose).
Agar batti (Ambari).
Abir.
Loban (Benzoin).
Camphor.
Cotton.
A wooden plank with short legs.
A set of screens to form an enclosure while a corpse is being washed.
A brass jug.
A pan or degchi for boiling water.
Scissors.
Needle and thread for sewing shrouds.

(2) When a pilgrim dies on board, the master shall issue materials for the burial of the corpse in accordance with the scale given below.

Long cloth (if the deceased is a male) 18 yards.
Long cloth (if the deceased is a female) 20 yards.
Bath soap (if the deceased is a male)—1 cake.
Ritha (if the deceased is a female)—4 chhattaks.
Soorma (if the deceased is a female)—1 pennyweight.
Rose water—1 pint.
Atar (Rose)—1/10th tola.
Agar batti (Ambari)—25 sticks.
Loban (Benzoin)—1 chhattak.
Camphor—½ chhattak.
Cotton—1 chhattak.
Thread—As much as required.

(3) The price to be charged by the master for the issue of the materials mentioned in sub-rule (2) shall be fixed from time to time by the local Government of the province in which the port of departure of the ship is situated. If the friends or relatives of the deceased pilgrim travelling by the ship or any other persons on board are willing to bear the charge, the master shall receive the price of the materials from them. If he does not receive payment of the price from any friends or relatives of the deceased or from any other persons on board, he or the owner or agent shall be entitled to receive payment of the price from the Port Haj Committee of the port at which the deceased pilgrim had embarked.

(4) No charge shall be made by the master for the use of the wooden plank, screens, jug, pan or degchi, scissors and needle mentioned in sub-rule (1). These articles shall be preserved after being used in each case of burial till they are again required for use in another case of burial and shall not be used for any other purpose : Provided that the wooden plank, jug, pan or degchi, when used in connection with the burial of a pilgrim whose death was due to infectious disease, shall either be destroyed or disinfected under the direction of the medical officer of the ship.

115. (1) In the event of a death from an infectious disease the corpse shall be wrapped in a shroud impregnated with a disinfecting solution and be committed to the sea. Only Muslim members of the staff of the ship shall attend to this work.

(2) In the event of a death from any cause other than infectious disease, the friends or relatives of the deceased on board shall, if they so desire, be permitted to undertake the washing and shrouding of the corpse. When there are no such friends or relatives on board willing to undertake this work, the master shall invite volunteers from other pilgrims, preferably from those who come from the same province or country as the deceased, and, if no volunteers come forward, the corpse shall be washed and shrouded and committed to the sea by Muslim members of the ship's staff.

(3) Care shall be taken to secure that all burials at sea are conducted in an orderly and decent manner and, if possible, out of sight of sick pilgrims in the ship's hospitals and an opportunity shall be given to the pilgrims on board to offer funeral prayers.

(4) In normal circumstances, at the time of committing a corpse to the sea, the ship shall be slowed and the screws shall be completely stopped for such time as the master may deem fit.

(5) Fire-bars shall be used for sinking a corpse and the use of lumps of coal for this purpose shall be avoided.

116. Pilgrims shall air their clothing, blankets, etc., as often as they are required to do so by the medical officer.

117. The following articles and appliances shall be supplied on the scale shown below :—

| | | |
|---|---|---|
| Iron boilers with covers— | | Sufficient for the needs of the pilgrims to be fed by the ship. |
| For rice (large) .. .. .. .. | | |
| For dall or curry (small) .. .. .. | | |
| Iron ladles— | | |
| For rice (large) .. .. .. .. | | |
| For dall, etc, (small) .. .. .. .. | | |
| Iron spoons, tinned .. .. .. .. | | |
| Curry-stones, with mullers .. .. .. | | |
| Sieves for cleaning rice, etc. .. .. .. | | |
| Gallon measure .. .. .. .. | 1 | To each pilgrim ship. |
| Half-gallon measure .. .. .. .. | 1 | |
| Quarter-gallon measure .. .. .. .. | 1 | |
| Scales and weights or a spring balance .. .. | 1 | |
| Block-tin saucepans for hospital use exclusively, from 1 pint to 1 gallon .. .. .. .. | 3 | |
| Hatchets for cutting wood .. .. .. | 2 | |
| Knives .. .. .. .. | 2 | |
| Tubs (large) for bathing or washing .. .. | 4 | |
| *Tubs (smaller) for latrine use .. .. .. | 4 | |
| Tin pots for pilgrims suffering from sea sickness | 12 | |
| Canvas bathing screens for the use of women .. | 2 | |
| A dirt-shoot, moveable .. .. .. | 1 | |
| Deck scrapers .. .. .. .. | 12 | |
| Sand .. .. .. .. | 1 ton. | |
| Holystones or hard bricks .. .. .. | 50 | |
| Swabs or squeegees .. .. .. .. | 18 | |
| Brooms (country) .. .. .. .. | 50 | |
| *Tin pots for latrines .. .. .. .. | | 1 per seat. |
| Soap .. .. .. .. | | 1 lb. per pilgrim. |
| Buckets (galvanized iron) .. .. .. | | 2 For every 100 pilgrims. |
| Safety lanterns with lock and key to each .. .. | | 3 for hatchways.<br>1 for each latrine.<br>1 for hospital.<br>1 for Surgeon. |
| Oil with wicks, or candles to fit lantern .. .. | | Sufficient for all lanterns to burn at least ten hours, of every night of the voyage. |

118. (1) Every pilgrim ship shall be fitted with a sufficient number of latrines for the exclusive use of pilgrims to the satisfaction of the Inspector. The latrines shall be screened from public view and readily accessible and shall be provided with seats at the following rates, in proportion to the total number of pilgrims which the ship can accommodate, namely, not less than 3 for the first 100 and 3 for every additional 100 or fraction of that number in excess of 100. If there be any females among the pilgrims, a proportion of seats shall be screened off and set apart for the exclusive use of females at the rate of 3 for the first 100 females and 3 for every additional 100 or fraction of that number in excess of 100.

(2) In the latrines provided for use of male pilgrims, such number of seats, as the Inspector may direct, shall be set apart for the exclusive use of male pilgrim, travelling by the first or second class.

(3) In the latrines provided for use of female pilgrims, such number of seats, as the Inspector may direct, shall be set apart for the exclusive use of female pilgrims travelling by the first or second class.

(4) Latrines shall not be allowed either in the between-decks or in the holds. They shall be in a convenient and accessible place on the upper deck, and close up to the bulwarks or rails. They shall be made of iron and securely bolted down to the deck beams below the deck. They shall not project over the ship's side. They shall be so placed, that the soil shoot of the latrine trough, may lead directly out of a port or other opening and well clear of the ship's side. Every latrine shall be divided into separate and private compartments. Each compartment shall not be less than 3 feet by 2 feet in size and shall have a separate entrance with door and be fitted with a seat or pair of

*All these should be specially marked for privy use.

foot-boards having a free opening or hole in the centre. Each such opening shall communicate directly with the trough beneath common to all openings. The trough shall be continued into the shoots and have a good fall from each end towards the shoot in the centre. The trough of the latrine shall be at least 4 inches above the deck to enable the deck beneath to be freely flushed. Every compartment shall be well ventilated by means of such openings as will not interfere with privacy, and shall be provided with efficient lighting to the satisfaction of the Inspector.

(5) All latrines shall be kept in good order and disinfected three times a day. They shall be provided with an approved system of continuous or intermittent flushing to the satisfaction of the Inspector. The flushing pipes shall be of not less than 2 inches internal diameter and fitted so as to enable each latrine to be flushed from end to end. The deck immediately about the latrines shall be enclosed with a ridge of wood 2 inches high to prevent the flushing water finding its way to other parts of the deck and the deck from this 2 inches ridge to the scuppers shall be covered with cement or with tin, lead or other metal.

(6) Not less than two sweepers shall be employed on every pilgrim ship, and one additional sweeper shall be employed for every 100 pilgrims in excess of 100 up to a maximum of five sweepers when the total number of pilgrims does not exceed 1,000. For every 100 or fraction of 100 pilgrims in excess of 1,000 one additional sweeper shall be employed up to a maximum of eight sweepers.

119. (1) At least four adequately screened washing places shall be provided on the deck, a sufficient number being reserved exclusively for women. The washing places shall be supplied with pipes fitted with taps or nozzles able to yield a continuous supply of sea-water with pressure even when the ship is at anchor : these taps or nozzles shall be in the proportion of 1 for every 100 pilgrims or fraction of that number in excess of 100.

(2) Of the washing places provided for use of male pilgrims, such number, as the Inspector may direct, shall be reserved for the exclusive use of male pilgrims travelling by the first or second class.

(3) Of the washing places provided for use of female pilgrims such number, as the Inspector may direct, shall be reserved for the exclusive use of female pilgrims travelling by the first or second class.

120. The crew of the ship shall not be allowed to use the latrines and washing places intended for pilgrims, while pilgrims are on board, and the latrines and washing places reserved for the use of any particular class of pilgrims shall not be allowed to be used by any other class of pilgrims.

*Medical Inspection.*

121. The medical inspection of female pilgrims shall be carried out either by lady doctors or, under the supervision of the medical officer appointed for the purposes of section 206, by women appointed by the local Government in this behalf.

122. No articles found or suspected by the medical officer referred to in rule 121 to have been contaminated by persons suffering from cholera or choleraic indisposition or from a disease which in his opinion is dangerously infectious or contagious, shall be taken on board a pilgrim ship until they have been disinfected under his order in the manner prescribed in sub-rule (4) of rule 113.

123. No pilgrim otherwise entitled to embark shall be prevented from embarking save for a cause specified in section 206, sub-section (2).

*Pilgrim-passes, pilgrim-deposits and pilgrim-tickets.*

124. (1) Every intending pilgrim shall obtain from the authority appointed in this behalf by the local Government of the province in which he resides or of the province in which the port of embarkation is situate, a pilgrim-pass in Form V and shall present the same for registration to the Executive Officer of the Port Haj Committee, the port of embarkation.

(2) A fee of three rupees shall be charged for the issue of a pilgrim-pass to a British Indian pilgrim at the port of his embarkation unless he is a resident of such port and the proceeds from the fee shall be credited to the Haj Fund at the disposal of the Port Haj Committee of such port.

(3) Except as provided in sub-rule (2,) no fee shall be charged for the issue of pilgrim-pass to a pilgrim.

125. (1) If any pilgrim who has obtained a pilgrim-pass under sub-rule (1) of rule 124, loses it at any time before embarkation for the outward voyage, the authority appointed in this behalf by the local Government of the province in which the port

of embarkation is situate, may, after making such enquiries as it may deem fit, issue a fresh pilgrim-pass to such pilgrim. The provisions of these rules shall then apply to such pilgrim-pass as if it were the original pilgrim-pass and the original pilgrim-pass shall be deemed to have been cancelled.

(2) All available particulars regarding any pilgrim-pass, which has to be deemed as cancelled under sub-rule (1) shall be promptly reported by the authority referred to in sub-rule (1) to owners or agents of ships conveying pilgrims and to His Majesty's Representative at Jedda.

126. (1) The person with whom the sum referred to in clause (*b*) of section 208-A shall be deposited shall be the Executive Officer of the Port Haj Committee of the port at which the pilgrim proposes to embark.

(2) When such sum is deposited by any pilgrim, the Executive Officer shall state in words and in figures, the amount deposited and sign the statement in the space provided for this purpose in Part II of the pilgrim-pass of such pilgrim.

127. (1) For the purposes of the proviso to section 208-A the " prescribad person " means the Executive Officer of the Port Haj Committee of the port at which the pilgrim proposes to embark.

(2) When any pilgrim has been exempted from the substantive provisions of section 208-A in accordance with the proviso to that section, the person granting such exemption shall briefly state the reasons for the exemption and sign the statement in the space provided for this purpose in Part II of the pilgrim-pass of such pilgrim.

128. The cost of a ticket issued to a pilgrim other than a pilgrim under seven years of age shall include the fixed sanitary and quarantine dues leviable at Kamaran on the outward voyage in respect of such pilgrim, and the cost of a ticket issued to any pilgrim shall include the sanitary and quarantine dues, if any, for the time being leviable at the port of destination on the outward voyage in respect of such pilgrim.

129. (1) The ticket which a pilgrim is under sub section (1) of section 208-B entitled to receive—

(*a*) shall be issued from a book with counterfoils,

(*b*) in the case of a return ticket, shall contain separate portions covering the outward and return journeys, respectively,

(*c*) shall be denoted by a serial number stamped on the ticket, and, in the case of a return ticket, on each separate portion thereof, and also on the counterfoil,

(*d*) shall be of canvas, stout paper or parchment and shall be not less than 4½ inches in length and not less than 3 inches in width ; provided that in the case of a return ticket, each portion shall be not less than 4½ inches in length and not less than 3 inches in width,

(*e*) shall show the name of the ship on which the outward voyage is to be performed and the advertised date of its sailing.

(2) On the ticket, or in the case of a return ticket on each portion thereof, an also on the counterfoil, there shall be inscribed—

(*a*) the date of the issue of the ticket,

(*b*) the name, father's name and tribe of the holder, or if the holder is a married female or a widow, the name, father's name and tribe of her husband or deceased husband, with the words ' wife of ' or ' widow of ', as the case may be, prefixed,

(*c*) the registration number (at port of embarkation) of the pilgrim-pass of the holder,

(*d*) the total cost of the ticket with a statement of the sanitary and quarantine dues referred to in rule 128,

(*e*) a statement to the effect that pilgrims under seven years of age are exempt from the payment of Kamaran quarantine dues,

(*f*) a statement showing the number of meals the holder is entitled to be supplied with daily during the voyage,

(*g*) the words " in addition to the food which every pilgrim is entitled to receive during the voyage under sub-section (2) of section 208-B, additional articles of food will be procurable on board the ship on payment. "

(3 The particulars specified in clauses (*d*) and (*f*) of sub-rule (2) shall be written in English and Urdu in the case of a ship sailing from Bombay or Karachi and in English and Bengali in the case of a ship sailing from Calcutta. The particulars specified in the remaining clauses of the said sub-rule shall be written in English.

130. No ticket shall be issued to a pilgrim who does not produce his pilgrim-pass duly registered at the port of embarkation and no single ticket for the outward voyage from a port in British India, by the lowest class available on a ship, shall be issued to a pilgrim unless Part II of his pilgrim-pass bears either the statement referred to in sub-rule (2) of rule 126 or the statement referred to in sub-rule (2) of rule 127, duly signed.

131. When a ticket is issued to a pilgrim, the person issuing the same shal write the class and serial number of the ticket and the name of the ship by which the outward voyage is to be performed in the spaces provided for this purpose in Part II of the pilgrim-pass of such pilgrim, and, if the ticket is a return ticket, he shall also state, in the space provided for this purpose in the same Part of the pilgrim-pass the date of the issue of the return ticket and sign the statement.

132. It shall be the duty of the master to ensure that no pilgrim is received on board in contravention of the provisions of section 208-A.

133. Every pilgrim, on landing at Jedda, shall present his pilgrim-pass to His Majesty's Representative at that place, for registration. After the pilgrim-pass has been registered, he shall deliver to His Majesty's Representative for safe custody,—

(1) Part II of the pilgrim-pass ; and

(2) if he is in possession of a return ticket, such return ticket.

134. If any pilgrim loses his pilgrim-pass at any time after his embarkation at a port in British India and before delivering Part II thereof to His Majesty's Representative at Jedda, for safe custody, such pilgrim may apply to His Majesty's Representative at Jedda for the issue of a fresh pilgrim-pass. If a fresh pilgrim-pass is issued, the provisions of these rules shall apply to such pilgrim-pass as if it were the original pilgrim-pass and the original pilgrim-pass shall be deemed to have been cancelled.

135. (1) When a pilgrim who is not in possession of a return ticket but who has made the deposit referred to in clause (*b*) of section 208-A during the previous eighteen months and has delivered to His Majesty's Representative at Jedda, for safe custody, Part II of his pilgrim-pass bearing the statement referred to in sub-rule (2) of rule 133, desires to embark for the return voyage from Jedda, he shall request His Majesty's Representative at Jedda to secure for him a ticket for the return voyage and state the earliest date on which he shall be ready to embark as also the name of the Shipping Line or of the ship, if any, by which he prefers to travel.

(2) Every ticket issued to a pilgrim in compliance with a request made by him under sub-rule (1)—

(*a*) shall be denoted by a serial number stamped on the ticket,

(*b*) shall be of canvas, stout paper or parchment and shall be not less than 4½ inches in length and not less than 3 inches in width ; and

(*c*) shall have inscribed on it—

(*i*) the name of the ship by which the return voyage is to be performed ;

(*ii*) the date on which the ship is due to sail from Jedda ;

(*iii*) the name, father's name and tribe of the pilgrim, or if the pilgrim is a married female or a widow, the name, father's name and tribe of her husband or deceased husband, with the words 'wife of' or 'widow of', as the case may be, prefixed ;

(*iv*) the registration number (at Jedda) of the pilgrim-pass of the pilgrim ;

(*v*) the name of the port at which the pilgrim is to disembark ;

(*vi*) a statement showing the number of meals the pilgrim is entitled to be supplied with, daily during the voyage ; and

(*vii*) the words " in addition to the food which every pilgrim is entitled to receive during the voyage under sub-section 2) of section 208-B, additional articles of food will be procurable on board on payment ".

(3) The particulars referred to in sub-clause (*vi*) of clause (*c*) in sub-rule (2) shall be written in English and Urdu in the case of a ship proceeding to Bombay or Karachi and in English and Bengali in the case of a ship proceeding to Calcutta. The particulars referred to in the remaining sub-clauses of the said clause shall be written in English.

(4) Within one month from the date on which the master, owner or agent of a ship, by which a pilgrim who had made the deposit referred to in clause (*b*) of section 208-A returns to India, presents Part II of the pilgrim-pass of such pilgrim, duly endorsed by His Majesty's Representative at Jedda to the Executive Officer of the Port Haj Committee of the Port in British India at which the pilgrim had made the said deposit, the Executive Officer shall pay to such master, owner, or agent, the amount of the deposit, as cost of the pilgrim's return passage from Jedda.

136. (1) When a pilgrim, who had purchased a return ticket within the previous eighteen months and delivered such ticket to His Majesty's Representative at Jedda, for safe custody, desires to embark for the return voyage from Jedda, he shall request His Majesty's Representative at Jedda to secure for him a passage for the return voyage, and state the earliest date an which he shall be ready to embark.

(2) If and when a passage is secured in compliance with a request made by a pilgrim under sub-rule (1), the agent of the ship shall write on the return ticket the name of the ship by which the pilgrim is to perform the return voyage and the date on which the ship is due to sail from Jedda, and shall return the ticket to His Majesty's Representative at Jedda for delivery to the pilgrim.

*Refunds of deposits and passage money.*

137. (1) The officer making an inspection under section 206 or section 207 shall stamp on the pilgrim-pass and also on the ticket of the pilgrim the following endorsement, if permission to embark is withheld from such pilgrim under sub-section (1) or sub-section (1A) of section 206 or if he is removed from the ship under sub-section (2) of section 207 or if he is prevented from proceeding by reason of such permission being withheld from any member of his family or by reason of any member of his family being so removed :—

" Not permitted to proceed on the Hajj. "

(2) The right to a refund of passage money accruing under sub-section (1) of section 208-C to a pilgrim, to whom sub-rule (1) applies, shall be subject to the presentation by him of his ticket endorsed in accordance with the said sub-rule, to the owner or agent of the ship.

(3) The right to a refund of passage money accruing under sub-section (1) of section 208-C to a pilgrim, to whom sub-rule (1) does not apply, shall be subject to the presentation by him of his ticket to the owner or agent of the ship and to a deduction of 10 per cent. of the passage money paid by him : Provided that no such deduction shall be made if the pilgrim had given to the owner or agent, at least three clear days before the departure of the ship, a written notice of his intention of cancelling his passage and advanced satisfactory reasons for doing so. If there is any dispute between the pilgrim and the owner or agent as to whether the reasons advanced by the pilgrim for cancelling his passage were or were not satisfactory, the owner or agent shall refer the matter in the first instance to the Chairman of the Port Haj Committee of the port, and if the Chairman's decision is not acceptable to either of the two parties, the Chairman shall refer the matter to a Presidency Magistrate or a Magistrate of the first class exercising jurisdiction in the port. The decision of the Magistrate shall be final and there shall be refunded to the pilgrim any amount allowed to him by such decision.

(4) Where a pilgrim has made the deposit referred to in clause (*b*) of section 208-A, his right to a refund of the amount of the deposit, accruing under sub-section (1) of section 208-C, shall be subject to the presentation by him of his pilgrim-pass, endorsed in accordance with sub-rule (1) if the said sub-rule applies to him, and having, in Part II thereof, the statement referred to in sub-rule (2) of rule 133, duly signed, to the Executive Officer of the Port Haj Committee of the port at which he had made the deposit.

138. (1) The right to a refund of half the passage money, accruing under sub-section (2) of section 208-C to a pilgrim, shall be subject—

(*a*) to the presentation by the pilgrim to the agent at Jedda of the ship by which he proceeded to Jedda from India, of his ticket for the return voyage with an endorsement in the following form signed by His Majesty's Representative at Jedda :—

" Passed for refund under sub-section (2) of section 208-C of Indian Merchant Shipping Act, 1923."

(*b*) to the determination of the amount of refund in accordance with the following formula :—

$$\text{Amount of refund} = \frac{(A-B-C)}{2} - \frac{1}{10}\left(\frac{A-B-C}{2}\right).$$

A denotes the total amount of passage money paid by the pilgrim for the ticket for the outward voyage and the return voyage.

B denotes any sum actually disbursed on behalf of the pilgrim on account of sanitary and quarantine dues at Kamaran on the outward voyage.

C denotes any sum actually disbursed on behalf of the pilgrim on account of sanitary and quarantine dues at the port of destination on the outward voyage.

(2) The right to a refund of deposit money, accruing under sub-section (2) of section 208-C to a pilgrim, shall be subject to the presentation by the pilgrim to His Majesty's Representative at Jedda of an application for refund setting forth circumstances in which the refund is claimed.

139. (1) The nomination in writing referred to in sub-section (3) and in sub-section (4) of section 208-C shall be made in the presence of the officer from whom the pilgrim obtains his pilgrim-pass under sub-rule (1) of rule 124, or of the Executive Officer of the Port Haj Committee of the port of embarkation in British India, or of the master of the ship by which the pilgrim travels on the outward voyage, or of His Majesty's Representative at Jedda. It shall be attested by two witnesses and shall be in the following form :—

" I............of village...........Post Office........District............ do hereby nominate........ ....of village..........Post Office........ Distri t..........to receive any refund of my $\frac{\text{passage money due from the shipping company}}{\text{deposit made under section 208-A}}$ to which I or my legal representative may become entitled under sub-section (3) or sub-section (4) of section 208-C of the Indian Merchant Shipping Act, 1923 (XXI of 1923).

(2) The person in whose presence the nomination is made shall—

(a) write the name and postal address of the nominee in Part I and Part II of the pilgrim-pass of the pilgrim in the spaces provided therein for this purpose ; and

(b) forward the original nomination paper to the Executive Officer of the Port Haj Committee of the port in British India at which the pilgrim proposes to embark or had embarked.

140. (1) The right to a refund of half the passage money, accruing under sub-section (3) of section 208-C to the nominee or legal representative of a deceased pilgrim, shall be subject—

(a) to the presentation by the nominee or legal representative to the owner or to the agent, at the port of embarkation or at Jedda, of—

(i) the pilgrim's ticket for the return voyage from India, and

(ii) of satisfactory proof of the pilgrim's death ;

and

(b) to the determination of the amount of refund in accordance with the formula laid down in clause (b) of sub-rule (1) of rule 138.

(2) The right to a refund of the deposit money, accruing under sub-section (3) of section 208C to the nominee or legal representative of a deceased pilgrim, shall be subject to the presentation by the nominee or legal representative either to His Majesty's Representative at Jedda or to the Executive Officer of the Port Haj Committee of the port at which the pilgrim had made the deposit of an application for refund supported by satisfactory proof of the pilgrim's death.

141. (1) The right to a refund of half the passage money, accruing under sub-section (4) of section 208-C to a pilgrim or to his nominee, shall be subject to the presentation by the pilgrim or by his nominee, either to the owner or to the agent at the port of embarkation in India or at Jedda, of the pilgrim's ticket for the return voyage from Jedda, and to the determination of the amount of refund in accordance with the formula laid down in clause (b) of sub-rule (1) of rule 138.

(2) The right to a refund of the deposit money, accruing under sub-section (4) of section 208-C to a pilgrim or to his nominee, shall be subject to the presentation by the pilgrim or by his nominee either to His Majesty's Representative at Jedda or to the Executive Officer of the Port Haj Committee of the port at which the pilgrim had made the deposit, of an application for refund.

142. (1) If a pilgrim who has sailed on the outward voyage from the port of Calcutta with a return ticket, is brought back to the port of Bombay or Karachi, the owner or agent shall refund to such pilgrim one-half of the difference between the passage money actually paid by him and the passage money which he would have been required to pay had he sailed on the outward voyage from the port of Bombay or Karachi, as the case may be.

(2) If a pilgrim, who has sailed on the outward voyage from the port of Calcutta after making the deposit referred to in clause (b) of section 208-A, is brought back to

the port of Bombay or Karachi, the owner or agent shall refund to such pilgrim the difference between the amount actually deposited by him and the amount he would have been required to deposit had he sailed on the outward voyage from the port of Bombay or Karachi, as the case may be.

143. (1) Every claim for refund of passage money or of deposit money submitted by a pilgrim or by a pilgrim's nominee or legal representative in accordance with these rules shall be attended to as expeditiously as possible by the person to whom such claim is presented.

(2) The owner or agent of a ship who is required to make a refund of passage money under these rules at a port in British India may make such refund through the Executive Officer of the Port Haj Committee of that port.

(3) It shall be the duty of the Executive Officer of the Port Haj Committee of the port in British India at which a pilgrim proposed to embark or had embarked for the outward voyage to assist such pilgrim or his nominee or legal representative in obtaining any refund of passage money to which he may be entitled.

144. Whenever the owner or agent of a ship makes a refund under these rules direct to a pilgrim or to his nominee or legal representative and not through the Executive Officer of the Port Haj Committee of the port in British India, at which the pilgrim proposed to embark or had embarked for the outward voyage, such owner or agent still report to the said Executive Officer the following particulars, namely :—

(1) the name, father's name and tribe of the pilgrim ;

(2) the registration number (at the port of embarkation in British India) of the pilgrim-pass of the pilgrim ;

(3) the name of the person to whom the passage money was refunded ;

(4) the amount of the refund ;

(5) the date on which the refund was made ; and

(6) the circumstances in which the refund was made.

145. Whenever His Majesty's Representative at Jedda makes a refund of deposit money to a pilgrim or to his nominee or legal representative, the Executive Officer of the Port Haj Committee of the port at which the pilgrim had made the deposit under clause (*b*) of section 208-A shall pay the amount of the deposit to His Majesty's Representative at Jedda on receipt from him of Part II of the pilgrim-pass of the pilgrim showing—

(*a*) the name of the person to whom the refund was made ;

(*b*) the date on which the refund was made ; and

(*c*) the circumstances in which the refund was made.

146. (1) If the sum deposited by a pilgrim under clause (*b*) of section 208-A is not utilised for defraying the cost of his passage for the return voyage from Jedda and if such sum has not also been refunded either to the pilgrim or to his nominee or legal representative during eighteen months from the date on which the deposit was made by the pilgrim, the Executive Officer of the Port Haj Committee of the port in British India at which such pilgrim had embarked on the outward voyage shall, on receipt of Part II of the pilgrim-pass of the pilgrim, from His Majesty's Representative at Jedda, try to trace the pilgrim or his nominee or legal heir and, if the pilgrim or his nominee or legal heir is traced, refund to him the amount deposited by the pilgrim.

(2) If the return ticket of a pilgrim remains unclaimed with His Majesty's Representative at Jedda till the expiry of eighteen months from the date on which such return ticket was issued, the Executive Officer of the Port Haj Committee of the port in British India at which the pilgrim had embarked for the outward voyage shall, on receipt of the return ticket of the pilgrim from His Majesty's Representative at Jedda, try to trace the pilgrim or his nominee or legal representative and, if the pilgrim or his nominee or legal representative is traced, make over the return ticket to him so that he may claim from the owner or agent concerned any refund of passage money to which he may be entitled.

147. (1) The period after which an unclaimed deposit liable to be refunded shall become the property of Government shall be two years from the date on which the deposit was made.

(2) The amount of any unclaimed deposit which becomes the property of Government shall be credited to the Haj Fund at the disposal of the Port Haj Committee of the port in British India at which the deposit was made.

(3) The period after which unclaimed passage money liable to be refunded shall become the property of Government shall be two years from the last date of issuing a ticket during the outward pilgrim season during which the ticket in respect of which that passage money had been paid was issued.

(4) Within two months of the expiration of the period specified in sub-rule (3) the unclaimed passage money liable to be refunded shall be made over by the owner or agent to the Executive Officer of the Port Haj Committee of the port in British India at which such passage money had been paid by the pilgrim concerned and in order to facilitate the operation of this rule the owner or agent concerned shall, on the arrival and on the departure of each pilgrim ship, furnish to the Executive Officer of the Port Haj Committee of the port a list containing the names of all pilgrim return ticket holders travelling by such ship together with the registration numbers (at port of embarkation from British India) of the pilgrim-passes originally issued to such pilgrims.

(5) Any unclaimed passage money which becomes the property of Government shall, on receipt by the Executive Officer of the Port Haj Committee of a port in British India, be credited by such Executive Officer to the Haj Fund at the disposal of that Committee.

*Advertising of dates of sailings and payment of compensation to pilgrims for delay in sailing.*

148. The "Pilgrim Officer" for the purposes of sections 209-B, 209-C and 209-D shall be the Executive Officer of the Port Haj Committee of the port or place of embarkation.

149. The proposed date of sailing and the place of destination of any ship, which is intended to sail on a voyage as a pilgrim ship from any port or place in British India and the price of each class of passage tickets shall be advertised under sub-section (3) of section 209-B, by the master, owner or agent by a public notice in at least one English, one Urdu and one Bengali newspaper published in British India and also by beat of drum in the port or place of embarkation and in such other places as the master, owner or agent may deem necessary. A copy of the said public notice shall forthwith be sent by the master, owner or agent to the Pilgrim Officer.

150. The advertisement by public notice referred to in rule 149 shall be published not later than fifteen days before the intended date of sailing.

151. If a pilgrim ship fails to proceed from any port or place on the date advertised under sub-section (3) of section 209-B as the proposed date of sailing therefrom, the master, owner or agent shall forthwith send to the Pilgrim Officer at the port or place at which the delay occurs a list showing the names of all pilgrims in each class who have paid their passage money on or before such date, with the serial numbers of their passage tickets and the registration numbers of the pilgrim-passes issued to them under sub-rule (1) of rule 124 or sub-rule (1) of rule 125 and shall also intimate to the Pilgrim Officer the subsequent date on which the ship is intended to sail. The Pilgrim Officer shall, on receipt of the intimation, issue a notice to the master, owner or agent specifying the sum payable to the pilgrims as compensation under sub-section (1) of section 209-C at the rate of one rupee per pilgrim for each completed day during which the sailing has been delayed after the advertised date of sailing. The master, owner or agent shall, on receipt of the notice, forthwith pay to the Pilgrim Officer the specified sum on behalf of the pilgrims entitled thereto. The Pilgrim Officer shall on receipt of the money, enter in the aforesaid list against the name of each pilgrim the compensation payable to him in respect of his detention, and shall pay the compensation to him at or before the time of embarkation and shall take a receipt from him against his name in the aforesaid list after checking the serial and register numbers entered against his name by the serial and register numbers of the passage ticket and the pilgrim-pass held by him. The pilgrim's ticket and pass shall be stamped to signify that payment has been made.

152. If the master, owner or agent is unable to despatch the ship on the subsequent proposed date of sailing intimated by him to the Pilgrim Officer under rule 151, he shall forthwith send to the Pilgrim Officer a revised list showing the names of all pilgrims in each class who have paid their passage money on or before such subsequent date, together with the serial numbers of their passage tickets and the registration numbers of their pilgrim-passes and shall intimate to the Pilgrim Officer the further subsequent date on which the ship is intended to sail. The Pilgrim Officer shall follow the procedure laid down in rule 151 for recovering from the master, owner or agent the further compensation payable to the pilgrims at the rate of one rupee per pilgrim for each completed day during which the sailing has been delayed after the subsequent date of sailing intimated by the master, owner or agent under rule 151 and for paying the compensation at or before the time of embarkation to each pilgrim in respect of his detention,

153. If the whole or any part of the compensation due to a pilgrim cannot be paid to him at or before the time of embarkation, the Pilgrim Officer shall hand over the list referred to in rule 151 or 152, as the case may be, together with the sum so remaining unpaid to the master of the ship, who shall, on taking a receipt in a separate list to be prepared by him, pay to each pilgrim at or before the time of disembarkation at the port of his destination, the sum due to him, in the manner laid down in rule 151, in the presence of a responsible officer deputed by his Majesty's Representative at Jedda and hand over both the said lists and any money still remaining unpaid to that officer for transmission to the Pilgrim Officer concerned who shall credit the money to the Haj Fund at the disposal of the Port Haj Committee of the port.

*The Master, Owner, etc.*

154. (1) The master shall give the notice required under section 151 in Form VI and shall produce, before the Inspector at the time of his inspection, a certificate in the following form :—

" Certified that it is proposed to issue tickets to pilgrims and to provide accommodation as follows :—

" On the voyage of the pilgrim ship proceeding to..............................
..........................................

| Class of pilgrims. | Maximum number of tickets to be issued. | Special accommodation and privileges (if any) to be reserved for each class. |
|---|---|---|
| Class I .. .. .. .. | | |
| " II .. .. .. .. | | |
| Pilgrims of the lowest class .. .. .. | | |

Dated..............

(Signed)................

Master."

(2) A copy of the notice referred to in sub-rule (1) shall be forwarded by the master to the Executive Officer of the Port Haj Committee of the port of departure.

155. (1) The owner, agent or master of a ship engaged to carry more than 100 pilgrims shall appoint to it a medical officer licensed under rule 170. A second medical officer licensed under rule 170 shall similarly be appointed if the number of pilgrims exceeds 1,000.

(2) Every medical officer appointed under sub-rule (1) shall preferably be a Muslim and shall, if possible, be selected out of a panel or list recommended by the Haj Committee at the port of first departure.

(3) In the case of a ship engaged to carry more than 100 pilgrims, the owner, agent or master shall appoint at least one male attendant, and, if there are any female pilgrims to be embarked, one female attendant and, if possible, also a midwife or nurse, to assist the medical officer.

(4) The male and female attendants appointed under sub-rule (3) shall be Muslims competent to perform the work of *ghassal* and *ghassala*, respectively, on the occasion of the burial at sea of any pilgrims who may die on board. The midwife or nurse appointed under sub-rule (3) shall preferably be a Muslim.

(5) In the case of a ship engaged to carry more than 400 pilgrims, the owner, agent or master shall appoint, in addition to the male and female attendants and midwife or nurse required under sub-rule (3), a compounder who shall preferably be a Muslim.

(6) The male and female attendants and the midwife or nurse to be appointed under sub-rule (3) as also the compounder to be appointed under sub-rule (5) shall be persons approved by the Health Officer of the port of first departure and arrangements shall be made to the satisfaction of the Inspector for providing them with adequate accommodation on board the ship.

156. The master shall afford the medical officer every facility for examining the provisions, water and medical stores, and for making himself generally familiar with the arrangements made for the accommodation of the pilgrims about to be carried.

157. The master shall cause the statements required by sections 196 and 199 to be prepared in Form VII.

158. The bond required by section 205 when a ship clears from any Port in British India other than Aden for any port in the Red Sea shall be executed in Form VIII.

159. Before sailing the master shall obtain from the Port Health Officer a bill of health in Form IX.

160. The bill of health given at the port of departure shall not be changed during the voyage. It shall be presented at each port of call for countersignature by the Port Health Officer or other sanitary authority of the port and for entry thereon by such officer on authority of—

(a) the number of passengers embarked or disembarked at the port ;

(b) anything that has happened at sea affecting the life or health of the persons on board ; and

(c) the health conditions of the port of call.

161. The master, owner or agent shall provide, at a conspicuous place, accessible to pilgrims, a sealed box and writing materials to be provided by the Port Haj Committee of the port of departure so that pilgrims* may write any complaints that they may have and put the paper in the said box through an opening provided for this purpose. On arrival at the port of Jedda, the master shall make over the box, with its contents to a responsible officer deputed for this purpose by His Majesty's Representative at that port. In the case of a ship returning to a port in British India with pilgrims, the box, with its contents, shall, on the arrival of the ship at such port, be made over by the master to the Chairman of the Port Haj Committee of the port.

162. The master shall post up in the between-decks and in such other places accessible to the pilgrims as may be convenient (*i*) a notice displaying the destination of the ship and the price of tickets (*ii*) copies of the Act and of these rules (*iii*) copies of Articles 13, 91—126, 127—132, 149 and 152—162 of the International Sanitary Convention of 1926, and (*iv*) all notices which he may be required so to post by any authorised officer at the port of first departure. All such notices and copies shall be in English and Urdu in the case of a ship sailing from Bombay or Karachi and in English and Bengali in the case of a ship sailing from Calcutta. The master shall afford every facility to the Port Officer, or other duly authorized officer or person, for making the official inspection of the ship, her equipment, ventilation, fittings, provisions and medical stores, and shall himself be present at such inspection.

163. The master shall be jointly responsible with the medical officer for the care of the pilgrims on the voyage. He shall see that the special accommodation and privileges, if any, to which the pilgrims are entitled, are secured to them without hindrance or diminution throughout the voyage ; that the space in the upper and between-decks is not encroached upon ; that all rules and regulations for securing cleanliness and order are carried out ; that all preventive measures taken during the voyage are entered in his log and, as far as possible, that all reasonable requisitions of the medical officer are complied with. The master shall, on demand, submit the log to the competent authority at any port of call or at the port of final destination.

164. The master shall appoint one of the officers of the ship, who shall be a Muslim, to the charge of the provisions and stores, to see to the punctual issue to pilgrims, according to scale, of the day's food and water, and to assist the medical officer generally.

165. (1) When any pilgrim who is unaccompanied by any of his legal heirs dies on the voyage, the master shall call a ***panch*** composed, wherever possible, of four literate pilgrims and the medical officer on board the ship and shall make an inventory of the effects of the deceased, adding such particulars as to the name and residence of the deceased and the names and addresses of the legal heirs and nearest relations in India as he may be able to gather.

(2) The inventory and particulars prescribed by sub-rule (1) shall be signed by the master and attested by the members of the said ***panch*** and the master shall then take charge of the effects of the deceased.

(3) If the ship returns direct from the Hedjaz to any British Indian port, the master shall immediately on the ship arriving in such port, forward the effects of the deceased with the said inventory and particulars to the Executive Officer of the Port Haj Committee of the port in British India at which the deceased pilgrim has embarked.

(4) If the death occurs on the voyage to the Hedjaz, and the ship does not return direct to British India, the master shall make over the effects, with the said inventory and particulars as above, to His Majesty's Representative at Jedda for transmission to the Executive Officer of the Port Haj Committee of the port in British India at which the deceased pilgrim had embarked.

* Pilgrims are advised to bring their complaints to the notice of the master of the ship in the first instance and to record them in writing if the master does not take due notice of them.

166. The master shall cause the supplementary statement, required by section 198 when additional pilgrims are taken on board at an intermediate port, to be prepared in Form VII, the heading being altered to "Supplementary Statement required by section 198 of the Indian Merchant Shipping Act, 1923."

167. In the event of a death occurring during the voyage, the master shall enter the fact opposite the name of the deceased on the statement referred to in rule 157 or the supplementary statement referred to in rule 166, as the case may be, and shall also enter in the log the name of the deceased, his age, the place from which he came, the certified cause of death and the date of death.

168. In the event of a pilgrim disembarking during the voyage, the master shall note the fact opposite the pilgrim's name on the statement referred to in rule 157 or on the supplementary statement referred to in rule 166 as the case may be.

169. If His Majesty's Representative at Jedda so directs, the master of a ship returning to a port in British India shall put in at such sanitary station as His Majesty's Representative may specify.

*The Medical Officer.*

170. (1) The medical officer of every pilgrim ship required by the Act to carry a medical officer shall be licensed by the local Government and appointed by or on behalf of the owner of the pilgrim ship. Every person desiring to obtain a license* to act as such medical officer shall apply for a license to the Health Officer of the port of first departure. At Jedda such license may be granted, for the return voyage only, by His Majesty's Representative, at that port.

(2) The license shall be renewable yearly, and shall be in Form X.

(3) A person shall not be eligible for appointment as medical officer unless he—

(*a*) is able to write English, and

(*b*) (*i*) holds a medical qualification registered in the United Kingdom, or

(*ii*) holds a degree or license of a University constituted by law in British India, and is registered in British India, or

(*iii*) is a Fellow or Member of the Bombay College of Physicians and Surgeons or of the State Medical Faculty of Bengal or of the State Medical Faculty of the Punjab and registered in British India, or

(*iv*) is a Military Assistant Surgeon who has passed the special examination conducted by the Director General, Indian Medical Service, prior to 1922 and is registered in British India

171. The medical officer shall, if not already attached to the ship, immediately on his being appointed to it, proceed on board, report himself to the master, examine and check the medicines and medical stores, and inform himself generally as to the arrangements made for the accommodation of the pilgrims.

172. The medical officer shall also report himself personally to the Inspector with a view to receiving any instructions which that officer may have to give him in connection with his duties and the official inspection of the ship.

173. The medical officer shall be present at the final inspection, and, after it has been held and the ship and her arrangements approved, he shall, if satisfied regarding arrangements for the care and comfort of the pilgrims made in accordance with the rules, furnish a certificate to that effect in Form IV.

174. The medical officer shall provide himself with all the necessary instructions and forms required for the voyage.

175. The medical officer shall attend any medical officer appointed to inspect the pilgrims before embarkation for the purposes of section 206, or after embarkation for the purposes of section 207 and shall, with a view to special care or precautions on the voyage, watch those who may appear to be in an infirm or sickly state, and make a note regarding them in his diary.

176. The medical officer shall not leave the ship after the medical inspection has been completed. He shall see that the place set apart for the accommodation of the pilgrims is not encroached upon; that all the pilgrims have access to the upper deck; that good drinking water is readily accessible and duly supplied; and that latrines are attended

* In granting such licenses preference should be given to medical graduates or licentiates of a University or other recognised licensing body, provided they are men of good character, possess some experience and know Urdu in the case of a ship sailing from Bombay or Karachi or Bengali in the case of a ship sailing from Calcutta.

to by the ship's topases ; that a supply of water is at hand for use in the latrines ; that suitable hours have been xed, in communication with the officer in charge of the stores, for the regular issue of daily food to the pilgrims ; and generally that every proper care is taken to secure cleanliness and good sanitary arrangements on board.

177. The medical officer shall satisfy himself that any additional passenger waiting to be taken on board at an intermediate port is not suffering from, or shows no signs or symptoms of, choleraic indisposition or any disease which is, in his opinion, dangerously infectious or contagious.

178. The medical officer shall be jointly responsible with the master for the care of the pilgrims on the voyage, and shall co-operate with the master and officers of the ship for the welfare of the pilgrims.

179. During the voyage from any port in British India (except Aden) the medical officer shall for the first five days daily inspect the pilgrims and observe them individually to assure himself that none of them is affected with cholera, small-pox, yellow fever or plague.

180. The medical officer shall, if he has any doubt as to the quality of the drinking water, draw the attention of the master, in writing, to the provisions of rule 93.

181. The medical officer shall, in the event of any case of infectious or contagious disease occurring, satisfy himself that disinfection is performed in the manner prescribed by rule 113 and shall record in his diary the fact that he has done so.

182. (1) The medical officer shall keep up regularly, from day to day throughout the voyage, the following records in connection with his duties, namely :—

(*a*) a medical diary of the principal events of the voyage briefly and accurately recording all facts in connection with the medical history of the pilgrims, including a record of any advice he may give to the master, and of compliance with or neglect of, such advice ;

(*b*) an Admission and Discharge Book of every case brought under treatment in Form XI ; and

(*c*) a Register of Deaths in Form XII.

(2) The medical officer may, at his discretion, maintain a register of prescriptions given for in-patients and out-patients.

(3) These records shall be written in English.

183. (1) On arrival at the port of debarkation in the Red Sea the medical officer shall submit a copy of his diary and returns to the British Consular Authority at that port and shall simultaneously forward the diary and returns in original to the Inspector at the port in British India from which the voyage commenced. On arrival at any British Indian port the medical officer shall submit his diary and returns to the Chief Customs Officer or to any other officer authorised under section 199 to receive the statements referred to in that section and shall simultaneously forward a copy of the diary and returns to the British Consular Authority at the port in the Red Sea from which the ship arrived.

(2) The Port Haj Committee of a port in British India shall have access to the diary and returns submitted by the medical officer under sub-rule (1).

*Penalty.*

184. Whoever does any act in contravention of any of the provisions of these rules shall be punishable with a fine which may extend to three hundred rupees, and when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

## FORM I.

(SEE RULE 4.)

## CERTIFICATE "A"

**S. S.**

**of**

**Official Number**

**Date of Issue**

## CERTIFICATE " A ".

(ISSUED UNDER SECTION 154 OF ACT XXI OF 1923.)

I, duly appointed and authorised to grant certificates under sections 151 and 157 of Act XXI of 1923, do hereby certify that the undermentioned ship, being a pilgrim ship, within the meaning of Act XXI of 1923, and now riding at anchor at
is seaworthy, properly equipped, fitted and ventilated, and that she is capable of carrying the number of pilgrims as detailed below.

ISSUED BY THE GOVERNMENT OF INDIA.

## SHIP.

| Name and official number. | Port of Registry. | Tonnage. | | Single, twin, triple or quadruple screw. Registered horse power. | Registered length of ship. |
|---|---|---|---|---|---|
| | | Gross. | Net. | | |
| | | | | | |

| | |
|---|---|
| Name and address of owner or agent. | |

## LIFE-SAVING APPLIANCES.

| Description. | Number. | Number attached to davits. | Cubic contents in feet. | Number of persons they will accommodate. | Number of sets of davits. |
|---|---|---|---|---|---|
| Motor boats .. | | | | | Number of Life Jackets. |
| Hand-propelled boats .. | | | | | |
| Class I open boats .. | | | | | |
| Class I pontoon boats .. | | | | | |
| Class II open boats .. | | | | | |
| Class II pontoon boats .. | | | | | |
| Class III boats .. | | | | | |
| BUOYANT APPARATUS | | | | | Number of Life Buoys. |

## HOSPITAL.

| Permanent on Upper Deck. | | | Temporary on Upper Deck. |
|---|---|---|---|
| Number of Bunks. | Superficial Deck Area. | Cubic feet of air space. | Number of Superficial Feet Reserved. |
| | | | |

## SPACE AVAILABLE FOR PILGRIMS.

| Space available for pilgrims—<br>(a) Cabins or State rooms.<br>(b) Between Decks. | Total sq. feet | Number of pilgrims. |
|---|---|---|
| | | |

Dated at.... ......... . this...............day (Sd.)

*Certifying Officer.*

of.......................19 .

Port of........................

This certificate remains in force ..............................................

NOTE.—1. If the number of pilgrims carried exceeds the number stated in this Certificate, the master and owner shall, for every pilgrim over and above that number, be each liable to a fine which may extend to fifty rupees, and the master shall further be liable to imprisonment for a term which may extend to one week in respect of each such pilgrim.

2. A copy of this Certificate shall be kept posted up in a conspicuous part of the ship throughout the voyage so as to be visible to persons on board.

## FORM II.

(SEE RULE 4.)

## CERTIFICATE "B"

S. S.

of

Official Number

Date of Issue

## CERTIFICATE "B"

(Issued under Section 155 of Act XXI of 1923.)

| Name and Official number. | Nationality. | Tonnage. Gross. | Tonnage. Net. | Date of expiry of certificate of Survey. |
|---|---|---|---|---|
| | | | | |

| Mean draught of water and free board. | |
|---|---|

| Port of Departure. | Ports of Call. | Destination. |
|---|---|---|
| | | |

### Master and Officers.

| Rank. | Name in full. | Number of Certificate. | Grade. |
|---|---|---|---|
| Master ... ... | | | |
| First Mate ... ... | | | |
| Second Mate ... ... | | | |
| First Engineer ... ... | | | |
| Second Engineer ... ... | | | |

### Medical Officers.

1—

2—

### Equipment.

| Number of compasses. | Number of chronometers. | Number of sextants or quadrants. | Number of Barometers. |
|---|---|---|---|
| | | | |

| Number of anchors and cables. | Quantity of fresh water in tanks. | Quantity of fresh water in double bottoms. |
|---|---|---|
| | ..........Imperial Gallons. | ..........Imperial Gallons. |

### Boats and Life Saving Appliances.

............ Boats capable of accommodating ... ... persons.

............ Motor or Fleming Gear Boat accommodating persons.

............ Buoyancy apparatus ... ... persons.

............ Life Buoys ... ... ...

............ Life Jackets ... ... ...

### Nature of cargo on board.

**Number of Pilgrims and Crew on board.**

| Cabin Pilgrims.* | | | | | | | |
|---|---|---|---|---|---|---|---|
| Adults 12 years and upwards. | | Children between one and 12 years. | | Infants under one year. | Total Cabin Pilgrims. | Equal to adults computed by part IV, Indian Merchant Shipping Act, 1923. | Number of cabin pilgrims for whom space still remains available. |
| Male. | Female. | Male. | Female. | | | | |
| | | | | | | | |

| Deck Pilgrims.* | | | | | | | |
|---|---|---|---|---|---|---|---|
| Adults 12 years and upwards. | | Children between one and 12 years. | | Infants under one year. | Total Deck Pilgrims. | Equal to adults computed by Part IV, Indian Merchant Shipping Act, 1923. | Number of deck pilgrims for whom space still remains available. |
| Male. | Female. | Male. | Female. | | | | |
| | | | | | | | |

Total number of pilgrims, exclusive of infants under one year, for which the ship is measured.

| Crew. | | | Total crew. | Equal to adults computed by Indian Merchant Shipping Act, 1923. |
|---|---|---|---|---|
| Deck. | Engine Department | Stewards Department. | | |
| | | | | |

I, , duly appointed and authorised to grant Certificates under Sections 151 and 157 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), do hereby certify :—

(1) That I am satisfied that the particulars relating to the being a Pilgrim Ship within the meaning of the above Act, in the above statement are correct.

(2) That she has the proper complement of officers and seamen.

(3) That the provisions, and pure water and others stores prescribed for such ships by the rules under the said Act, are of good quality and properly stowed or packed, and are sufficient according to the scale for the time being fixed by the said rules ; and that the said provisions and water are sufficient for days, the probable duration of the said voyage, and also sufficient to provide the pilgrims with food in the event of an accident to her machinery.

(4) That the cooking, hospital, washing and latrine accommodation is sufficient and suitable.

(5) That the coal/oil on board amounts to tons and is sufficient to take the ship to her next supply port.

(6) That the Master holds Certificate " A ".

(7) To the best of my knowledge there is no cargo on board contrary to the provisions of rule 106 or which, from its quantity, quality, or mode of stowage, is likely to prejudice the health or safety of the pilgrims.

(8) That she is propelled principally by steam and is of the tonnage and steam power prescribed.

(9)† That she has on board the medical officer [or officers, as the case may be] required by section 201 of the Act and the attendants prescribed by rule 163 of the rules thereunder.

(10) That she has on board the necessary materials for the construction of temporary hospital on the upper deck in accordance with the rules.

(11) That the full space required by the said Act has been appropriated for the abovementioned pligrims in the between decks as well as on the upper (weather) decks.

(12) That the ship is properly ballasted.

Dated at this day (Sd.)

of 19 . Certifying officer.

Port of..........

* Names of the pilgrims are given in the Appendix to this certificate.
† Only in the case of ships to carry more than 100 pilgrims.

## APPENDIX TO
## CERTIFICATE " B ".

| Names of male pilgrims. | | | Names of female* pilgrims. | | | Number of infants under one year. | | |
|---|---|---|---|---|---|---|---|---|
| 1st class. | 2nd class. | Lowest class. | 1st class. | 2nd class. | Lowest class. | 1st class. | 2nd class. | Lowest class. |
| | | | | | | | | |
| Total .. | | | | | | | | |

* In the case of a married female or a widow, the name of her husband or deceased husband, with the words " wife of " or " widow of ", as the case may be, prefixed, should be given.

(Sd.)

## FORM III.

(SEE RULE 4.)

## SUPPLEMENTARY CERTIFICATE " B ".

**S. S.**

**of**

**Official Number**

**Date of Issue**

## SUPPLEMENTARY CERTIFICATE "B".

(Issued under Section 193 of Act XXI of 1923.)

Port of call at which the certificate is issued.

Number of pilgrims* disembarked at the port.

Cabin Pilgrims.

| ADULTS, 12 YEARS AND UPWARDS. | | CHILDREN BETWEEN ONE AND 12 YEARS. | | Infants under one year. | Total cabin pilgrims disembarked. | Equal to adults computed by Part IV, Indian Merchant Shipping Act, 1923. |
|---|---|---|---|---|---|---|
| Male. | Female. | Male. | Female. | | | |
| | | | | | | |

Deck Pilgrims.

| ADULTS, 12 YEARS AND UPWARDS. | | CHILDREN BETWEEN ONE AND 12 YEARS. | | Infants under one year. | Total deck pilgrims disembarked. | Equal to adults computed by Part IV, Indian Merchant Shipping Act, 1923. |
|---|---|---|---|---|---|---|
| Male. | Female. | Male. | Female. | | | |
| | | | | | | |

Number of additional pilgrims† embarked at the port.

Cabin Pilgrims.

| ADULTS, 12 YEARS AND UPWARDS. | | CHILDREN BETWEEN ONE AND 12 YEARS. | | Infants under one year. | Total additional cabin pilgrims embarked. | Equal to adults computed by Part IV, Indian Merchant Shipping Act, 1923. |
|---|---|---|---|---|---|---|
| Male. | Female. | Male. | Female. | | | |
| | | | | | | |

Deck Pilgrims.

| ADULTS, 12 YEARS AND UPWARDS. | | CHILDREN BETWEEN ONE AND 12 YEARS. | | Infants under one year. | Total additional deck pilgrims embarked. | Equal to adults computed by Part IV, Indian Merchant Shipping Act, 1923. |
|---|---|---|---|---|---|---|
| Male. | Female. | Male. | Female. | | | |
| | | | | | | |

* Names of the pilgrims are given in Appendix I to this certificate.

† Names of the pilgrims are given in Appendix II to this certificate.

I, , duly appointed and authorised to grant Certificate under Sections 151 and 157 of the Indian Merchant Shipping Act, 1923 (XXI of 1923, do hereby certify :—

(1) That I am satisfied that the particulars relating to the being a Pilgrimship within the meaning of the above Act, in the above statement are correct.

(2) that the provisions and pure water and the other stores, prescribed for such ships by the rules under the said Act, are of good quality and properly stowed or packed, and are sufficient according to the scale for the time being fixed by the said rules, and that the said provisions, fuel and water are sufficient for days, the declared duration of the said voyage, and also sufficient to provide the pilgrims, with food in the event of an accident to her machinery.

Dated at this day of 19 .

(Sd.)

*Certifying Officer.*

*Port of* .

## APPENDIX I TO SUPPLEMENTARY CERTIFICATE "B".

| NAMES OF MALE PILGRIMS DISEMBARKED. | | | NAMES OF FEMALE* PILGRIMS DISEMBARKED. | | | NUMBER OF INFANTS UNDER ONE YEAR DISEMBARKED. | | |
|---|---|---|---|---|---|---|---|---|
| 1st class. | 2nd class. | Lowest class. | 1st class. | 2nd class. | Lowest class. | 1st class. | 2nd class. | Lowest class. |
| | | | | | | | | |
| Total .. | | | | | | | | |

* In the case of a married female or a widow, the name of her husband or deceased husband, with the words "wife of" or "widow of", as the case may be, prefixed, should be given.

(Sd.)

## APPENDIX II TO SUPPLEMENTARY CERTIFICATE " B".

| | NAMES OF MALE PILGRIMS EMBARKED. | | | NAMES OF FEMALE* PILGRIMS EMBARKED. | | | NUMBER OF INFANTS UNDER ONE YEAR EMBARKED. | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1st class. | 2nd class. | Lowest class. | 1st class. | 2nd class. | Lowest class. | 1st class. | 2nd class. | Lowest class. |
| Total .. | | | | | | | | | |

* In the case of a married female or a widow, the name of her husband or deceased husband, with the words " wife of " or " widow of ", as the case may be, prefixed, should be given.

(Sd.)

## FORM IV.

(SEE RULE 6.)

*Form of Medical Officers' Certificate.*

Certified that I have by careful inspection satisfied myself in regard to the arrangements that have been made in accordance with the requirements of the rules relating to pilgrim ships proceeding to the Hedjaz for the care and comfort of the pilgrims about to be carried in the pilgrim ship proceeding to ; and that I was present with the Inspecting Officer at his final inspection of the arrangements, held on the of 19 .

*Medical Officer*

*Dated* *n charge of Pilgrim-ship.*

FORM V.

(SEE RULE 124.)

GOVERNMENT OF INDIA.

PILGRIM-PASS

ms proceeding to the Hedjaz from ports in British India.

PART I

be retained by the holder throughout the journey).

| barkation. n Number f embarkation. | British Legation, Jedda. Registration Number at Jedda. |
|---|---|

Particulars regarding the holder.

| Tribe and Nationality. | Sex and age. | Occupation. | Full postal address. | Name, father's name, tribe and nationality of pilgrim, if any, whom holder is accompanying on the Hajj (b). | Name and postal address of holder's nominee or legal representative (see Rule 139). | Distinctive marks, or thumb-impressions, or signature, or photo of holder (c). |
|---|---|---|---|---|---|---|
| | | | | | | |

If the holder be a married female or a widow, the nd father's name of her husband or deceased hus- ould be given and the words "wife of" or "widow he case may be, should be prefixed.

These particulars should be filled in when the s a child under 16 years or a female.

To be filled in only in the case of male pilgrims :—

| s concerning anti-cholera n certificate. (lled, if possible, at the the issue of the pilgrim- therwise at the time of tion at the port of em- on.) | | | Particulars concerning anti-small-pox vaccination certificate. (To be filled, if possible, at the of the issue of the pilgrim-pass, otherwise at the time of registration at the port of embarkation.) | | | |
|---|---|---|---|---|---|---|
| Date of issue. | Name and designation of person who issued the certificate. | Name and designation of person, if any, who countersigned the certificate. | Place of issue. | Date of issue. | Name and designation of person who issued the certificate. | Name and designation of person, if any, who countersigned the certificate. |
| | | | | | | |

*Instructions for pilgrims.*

) This pilgrim-pass is not transferable and is liable fiscation if found in the possession of any person han the rightful holder.

) Pilgrims are advised to affix their recent photo in ces provided for this purpose in Parts I and II as ilitates their identification.

i) Every pilgrim is required to present his pass for tion to the Executive Officer of the Port Haj Com- of the port of embarkation in India.

) Every pilgrim is also required, on landing at to get his pass registered at the British Legation, and to deliver to His Majesty's Representative, of his pass as also his return ticket, if any, for tody.

his Pilgrim-Pass issued by the authority of the and Governor-General of India in Council, requests uires all those whom it may concern to afford the abovenamed, going on the Hajj, all needed assist- d protection.

y order of the Governor-General of India in Council.

(Sd.)

*Secretary to the Government of India in the Department of Education, Health and Lands.*]

] To be struck out in the case of non-British

*Signature of issuing officer.*

GOVERNMENT OF INDIA.

PILGRIM-PASS

for pilgrims proceeding to the Hedjaz from ports in British India.

PART II

(to be delivered by the holder, on landing at Jedda, to His Majesty's Representative at that port, for safe custody).

| Port of embarkation. Registration Number at port of embarkation. | British Legation, Jedda. Registration Number at Jedda. |
|---|---|

Particulars regarding the holder.

| Name | Father's name. | Tribe and Nationality. | Sex and Age. | Occupation. | Full postal address. | Name, father's name, tribe and nationality of pilgrim, if any, whom holder is accompanying on the Hajj. | Name and postal address of holder's nominee or legal representative (see Rule 139). | Distinctive marks, or thumb-impressions, or signature, or photo of holder. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

| | |
|---|---|
| Particulars regarding provision, if any, made for the holder's return voyage to India (see Rules 126 and 131). | |
| If any pilgrim is exempted from the requirements of section 208A, reasons should be stated (see Rule 127). | |
| Class and serial number of ticket for outward voyage (see rule 131). | |
| Name of ship by which outward voyage is to be performed (see Rule 131). | |
| Serial number of ticket for return voyage. | |
| Name of ship by which return voyage is to be performed. | |
| Date on which ship, by which return voyage is to be performed, is due to sail from Jedda. | |

Particulars regarding final disposal of holder's deposit, if any, under clause (b) of Section 208-A.

| When deposit is refunded. [See Rules 137(4), 138(2), 140(2), 141(2) and 145.] | | | | When deposit is paid to defray cost of return passage. [See Rule 143(4).] | | | When unclaimed deposit is credited to Haj Fund [see Rule 147(2)]. |
|---|---|---|---|---|---|---|---|
| Designation of officer making the refund. | Date of refund. | Name of person receiving refund. | Reasons for making refund. | Designation of officer making the payment. | Date of payment. | Name of person to whom the refund is made. | Date of credit to Haj Fund. |
| | | | | | | | |

## FORM VI.

(SEE RULE 154.)

*Notice to be given by master, owner or agent under section 151 of the Indian Merchant Shippig Act, 1923.*

I,* , hereby give notice that the steamship ; register tonnage . tons, being a pilgrim ship within the meaning of the Indian Merchant Shipping Act, 1923, and being capable of carrying pilgrims, will leave the port of on a voyage to on the day of 19 .

*Here insert name of master, owner or agent.

## FORM VII.

(SEE RULE 157.)

*Statement to be furnished by the master of every pilgrim ship under section 196 of the Indian Merchant Shipping Act, 1923, of the crew and pilgrims proceeding in the bound to , or under section 199 of the crew and pilgrims on board the on arrival at*

| Crew. | | | | | | Number. |
|---|---|---|---|---|---|---|
| Master .. | .. | .. | .. | .. | .. | |
| Officers .. | .. | | .. | | | |
| Engineers .. | .. | .. | .. | .. | .. | |
| Deck crew .. | .. | | | | .. | |
| Engine-room crew | .. | .. | | .. | .. | |
| Servants .. | .. | .. | .. | .. | .. | |
| Total .. | | | .. | .. | .. | |

*Pilgrims.*

| | Names of Male Pilgrims. | | | Names of Female Pilgrims. | | | Number of infant (if any) under one year of age accompanying pilgrims entered in preceding columns. | | | Total number of pilgrims, excluding infants under one year, the ship is allowed to carry. |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1st class | 2nd class. | Lowest class. | 1st class. | 2nd class. | Lowest class. | 1st class. | 2nd class. | Lowest class. | |
| Total .. | | | | | | | | | | |

*Master,*

*The of 19 .*

*Officer appointed under Section 151, Act XXI of 1923.*

## FORM VIII.

(SEE RULE 158.)

*Bond executed pursuant to the provisions of section 205 of the Indian Merchant Shipping Act, 1923 (XXI of 1923).*

KNOW ALL MEN BY THESE PRESENTS that I/we of Managing Agents of whose registered office is in the Master/Owners/Agents of the S. S. registered at the Port of as the Principal and we of and* of (in † our individual and personal capacity) as sureties are held and firmly bounden to the Secretary of State for India in Council (hereinafter called "the Secretary of State") in the sum of ten thousand rupees of lawful money of British India to be paid to the Secretary of State his successors or assigns, for which payment well and truly to be made, we bind ourselves, our heirs, successors and legal representatives jointly as well as severally firmly by these presents sealed with our respective seals dated this day of in the Christian year One thousand nine hundred and

And each of us, the said Principal and the two sureties aforesaid do hereby for himself, his heirs successors and legal representatives covenant with the Secretary of State that this obligation shall be fulfilled and all moneys payable hereunder shall be paid to the Secretary of State within the Ordinary Original Civil Jurisdiction of the High Court of Judicature at Bombay/Calcutta.

WHEREAS the abovenamed steamship of which is the Master and is the Senior Medical Officer is about to sail from for the port of in the Red Sea carrying pilgrims to the Hedjaz and will be trading to and fro in the Pilgrim Traffic throughout the current pilgrim season AND WHEREAS in accordance with Section 205 of the Indian Merchant Shipping Act (hereinafter called "the Act") before Port clearance is granted to the said Vessel it is necessary that this Bond should be executed conditioned (*a*) that the vessel if so required by an order under Section 203 of the Act shall touch at Aden and shall not leave the Port of Aden without having obtained from the proper authority a certificate as required by the said Section 203 stating whether any case of cholera has or has not occurred on board since the said Vessel left the port of last departure and (*b*) that the Master and Medical Officer or Officers (if any) shall comply with the provisions of Part IV of the Act and the rules made thereunder and (*c*) that the Principal shall pay to the Pilgrim Officer on behalf of the Secretary of State any sum or sums from time to time during this voyage and during subsequent voyages throughout the current pilgrim season claimed by the Pilgrim Officer on behalf of the Governor-General in Council under and in pursuance of the provisions of section 209 A of the Act, a copy whereof is set out below.

Now the condition of the above written bond or obligation is such that if the Principal complies in all respects with the said hereinbefore recited undertaking and further that if the said Vessel and the Master and Medical Officer of the said Vessel shall comply with the provisions of Part IV of the Act (including section 209 A) and with all other obligations and duties prescribed by the Act THEN the above written bond or obligation shall be void but otherwise shall in all respects remain in full force and effect.

} Principal

} Sureties.

SIGNED, SEALED and DELIVERED by the abovenamed .. .. as Principal in the presence of— }

SIGNED, SEALED and DELIVERED by the abovenamed in the precence of— }

SIGNED, SEALED and DELIVERED by the abovenamed in the presence of— }

---

*The Agents of the vessel.

†Omit if agents have not signed as principal on behalf of owner.

I hereby certify that the above Bond was delivered in accordance with the provisions of Section 205 of the Indian Merchant Shipping Act, XXI of 1923.

Port Officer of

*Section 209A of the Indian Merchant Shipping Act, 1923 (XXI of 1923).*

Cost of return journey of pilgrims on ships other than those for which return ticket is available.

209A. (1) Where any pilgrim who has been carried to the Hedjaz by a pilgrim ship with a return ticket issued in British India within the previous eighteen months is owing to his inability to obtain accommodation on a ship for which the return ticket is available, detained at Jeddah for a longer period than twenty-five days from the day on which he presents his ticket to His Majesty's Representative at Jeddah, notifying his desire to embark for the return passage, the master, owner or agent of the ship in which such pilgrim was carried to the Hedjaz shall pay to the Governor-General in Council in respect of such pilgrim such sum not exceeding double the whole sum received by such master, owner or agent in respect of the return ticket as the Governor-General in Council claims as the cost of repatriating the pilgrim, together with a sum of one rupee for each day after the expiry of the twenty-five days aforesaid during which the pilgrim has been detained at Jeddah:

Provided that, for the purpose of computing the said period of twenty-five days, no period shall be taken into account during which the ship is prevented from carrying pilgrims on the return passage by reason of the port of Jeddah having been declared by proper authority to be infected or by reason of war disturbance or any other cause not arising from any act or default of the master, owner or agent.

Provided further that in the case of any pilgrim whose ticket has been deposited with His Majesty's Representative at Jeddah the said period of twenty-five days shall, during the period of six weeks following the Haj day, be reduced to fifteen days beginning on the day on which such pilgrim notifies to His Majesty's Representative at Jeddah his desire to embark for the return passage.

(2) A certificate of such detention purporting to be made and signed by His Majesty's Representative at Jeddah shall be received in evidence in any Court in British India without proof of the signature or of the official character of the person who has signed the same.

## FORM IX.

(SEE RULE 159.)

*Form of Bill of Health.*

This is to certify that the pilgrim ship sailing under the flag and under the command of Captain (medical officer ) of tons, bound for with crew of persons* and pilgrims and laden with a cargo of is at the time of leaving this port in a satisfactory sanitary condition, and that no case of cholera or infectious disease, dangerous to life exists among the officers, passengers, pilgrims or crew, who have been examined by day on shore before embarkation and found free from plague.

It is further certified that the town and port of are at present free from† epidemic cholera, plague, yellow fever and all other dangerous epidemic disease.

The clothing and bedding of the native crew and of the pilgrims have been disinfected on shore.

The vessel has been completely cleansed and freed from rats by means of the Clayton apparatus before embarkation of the pilgrims.

| | | | | | |
|---|---|---|---|---|---|
| Pilgrims .. | Men | .. | .. | .. | .. |
| | Women | .. | .. | .. | .. |
| | Boys | .. | .. | .. | .. |
| | Girls | .. | .. | .. | .. |
| | Infants | .. | .. | .. | .. |
| Total No. | .. | .. | .. | .. | |

The ship is measured for pilgrims exclusive of infants under one year.

*Including officers and able-bodied seamen.
†Our as the case may be.

(Sd.)

*Health Officer,*

*Port*

## FORM X.

[SEE RULE 170 (2).]

*Form of License to be granted to Medical Officers proceeding incharge of pilgrims.*

The bearer of this holding a certificate to practise medicine and surgery, from is licensed to have medical charge o pilgrims proceeding, under the provisions of the Indian Merchant Shipping Act, 1923, to . This license holds good for one year from this date.

Dated—

*[Here enter seal of office.]*

*Signature of recipient.*

(Sd.)

*Health Officer.*

*Port*

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## FORM XI.

[SEE RULE 182 (1) (*b*).]

*Medical Admission and Discharge Book.*

| Serial number of cases. | Name. | Sex. | Age. | Disease or cause of Admission. | DATES OF Admission. | DATES OF Discharge or recovery. | DATES OF Death. | Number of hours or days under treatment. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |

FORM XII.

[ SEE RULE 182 (1) (c). ]

*Register of Deaths.*

| Serial No. | Name. | Sex. | Age. | Time of occurrence. | | Cause. | Remarks. |
|---|---|---|---|---|---|---|---|
| | | | | Date. | Hour. | | |
| | | | | | | | |

HEALTH.

The 19th August 1933.

**No. F. 5-3/33.**—The services of Major A. S. Fry, M.B., Ch. M., F.R.C.S. (Edin.), I.M.S., are placed permanently at the disposal of the Government of the Punjab, with effect from the 24th April, 1933.

The 24th August 1933.

**No. F. 6-3/33.**—The following amendments giving effect to modifications made by the Secretary of State in Council in the orders embodied in the regulations published under notification No. F. 9-3/32-H., dated the 12th October, 1932, are published for general information :—

*Amendments.*

1. In Schedule I to the said Regulations—

(a) in the entries relating to Madras, for the entry " 12 District Medical Officers, Malabar, Madura, Coimbatore, Bellary, the Nilgiris, Tanjore, Vizagapatam, North Arcot, Coonoor, Nellore or Guntur, Trichinopoly and one unspecified," the following entries shall be substituted, namely :—

" 11 District Medical Officers, Malabar, Madura, Coimbatore, Bellary, the Nilgiris, Tanjore, North Arcot, East Godavri, Nellore or Guntur, Trichinopoly and one unspecified,

" 1 One of the three professorial posts of Medicine, Surgery and Midwifery in the Medical College, Vizagapatam, with the collateral charge of Physician, Surgeon, Obstetrician and Gynæcologist in the King George Hospital, Vizagapatam."

(b) in the entries relating to Bombay—

(i) for the entry " 9 Civil Surgeons, Ahmedabad, Poona, Mahableshwar, Belgaum, Karachi, Nasik, Hyderabad (Sindh), Dharwar and Sholapore, the following entry shall be substituted, namely :—

" 8 Civil Surgeons, Ahmedabad, Poona, Belgaum, Karachi, Nasik, Hyderabad (Sindh), Dharwar and Sholapore,"

and

(ii) for the figures " 22 " the figures " 21 " shall be substituted.

(c) in the entries relating to the Central Provinces for the entry " 1 Public Health Officer " the entry " 1 Director of Public Health " shall be substituted.

2. In Schedule II to the said Regulations, in the entries relating to the Central Provinces—

(i) the entries—

" 1 Director of Public Health,

1 Assistant Director of Public Health,

1 Alienist and Superintendent, Medical School, Nagpur,"

shall be omitted, and

(ii) for the figures " 11 " the figure " 8 " shall be substituted.

RAM CHANDRA,

Joint-Secretary to the Government of a.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

### NOTIFICATIONS.

Simla, the 24th August 1933.

**No. M.-296.**—The following draft of a further amendment to the Indian Explosives Rules, 1914, which it is proposed to make in exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), is published as required by section 18 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 10th September 1933. Any objection or suggestion which may be received in respect of the said draft before the date specified will be considered by the Governor General in Council.

*Draft amendment.*

In rule 35 of the said Rules after clause (*f*) the following clause shall be inserted, namely :—

" (*g*) of any explosive, which is not required for any purpose other than the navigation of aircraft, when kept in the aircraft for use in that aircraft, or for distribution to other aircraft or to aerodromes, or at an aerodrome for use at such aerodrome or for distribution to aircraft or to other aerodromes."

A. G. CLOW,

Joint Secy. to the Govt. of India.

CIVIL AVIATION.

The 26th August 1933.

**No. T.-51.**—The following draft of certain further amendments to the Indian Aircraft Rules, 1920, which it is proposed to make in exercise of the powers conferred by section 3 of the Indian Aircraft Act, 1911 (XVII of 1911), is published as required by sub-section (1) of section 13 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 16th September 1933. Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Governor-General in Council :—

I.— In rule 2 of the said Rules,

(*a*) before the definition of " aerodrome " the following definition shall be inserted, namely :—

" Aerial work aircraft " means aircraft used or intended to be used for industrial purposes (other than public transport) for remuneration.

(*b*) after the definition of " aerodrome " the following definitions shall be inserted, namely :—

" Aerodyne " means an aircraft, whose support in flight is derived dynamically from the reaction on surfaces in motion relative to the air, and includes all aeroplanes, helicopters, gyroplanes, gliders and kites.

" Aerostat " means an aircraft supported in the air statically and includes all airships and balloons.

(*c*) after the definition of " flying machine " the following definition shall be inserted, namely :—

" Glider " means an aerodyne not provided with means of propulsion and not normally attached to any object on the surface of the earth or water.

(*d*) for the definition of " passenger aircraft and goods aircraft " the following definition shall be substituted, namely :—

" Passenger aircraft, " " mail aircraft " and " goods aircraft " mean aircraft which effect or are intended to effect public transport of passengers (including the carriage of persons for the purpose of instruction in flying for which payment is made), mails or goods, respectively.

(*e*) after the definition of " personnel " the following definition shall be inserted, namely:—

" Private charter " means the hire of an aircraft for the exclusive use of the hirer for the purpose of a journey other than a short pleasure flight in the neighbourhood of the place of start.

(f) after the definition of "public transport" the following definitions shall be inserted, namely :—

"Public transport aircraft" means an aircraft which effects or is intended to effect public transport of mails or goods or passengers (including the carriage of persons for the purpose of instruction in flying for which payment is made).

"Subsequent aircraft" means an aircraft which is constructed in accordance with the design and specification of a type of aircraft, which has been approved or accepted by the Governor-General in Council for the issue of a certificate of airworthiness.

"State aircraft" includes military aircraft and aircraft exclusively employed in State service, such as posts, customs, police.

II.—After rule 5 of the said Rules, the following rule shall be inserted, namely :—

Prohibition of intoxicated persons acting as pilot or entering aircraft.

5-A. No person acting as, or carried in an aircraft for the purpose of acting as, pilot, commander, navigator, engineer or operating member of the crew thereof, shall, while so acting or carried, be in a state of intoxication or in a state in which, by reason of his having taken or used any sedative, narcotic or stimulant drug or preparation, his capacity so to act is impaired ; and no other person while in a state of intoxication shall enter or be in any aircraft.

III.—For rule 6 of the said Rules, the following rule shall be substituted, namely :—

Documents to be carried in aircraft.

6. (1) No person in charge of any aircraft shall allow such aircraft to be flown unless the following documents are carried on board the aircraft, namely :—

(i) the certificate of registration,
(ii) the licences of the personnel,
(iii) the certificate of airworthiness as required by rule 12,
(iv) the journey log book in cases where the keeping of a journey log book is prescribed in Part VII,
(v) the working copies of the aircraft and engine log books prescribed by Part VII, whenever the aircraft leaves its normal station,
(vi) any permit or licence for the carriage of wireless apparatus in the aircraft which may have been issued by the Director General of Posts and Telegraphs,
(vii) any permit for the carriage of photographic or cinematographic apparatus which may have been issued under rule 8-A.

(2) In every aircraft engaged in international navigation there shall in addition be carried the following documents :—

(i) the aircraft and engine log books,
(ii) where the aircraft carries passengers, a list of their names showing their places of origin and destinations,
(iii) where the aircraft carries goods, bills of lading and manifests in respect thereof.

IV.—For rule 8 of the said Rules, the following rule shall be substituted, namely :—

Wireless telegraphy.

8. (1) Aircraft registered in British India shall be fitted with wireless telegraphy apparatus in accordance with the provisions of Part V-A and such apparatus shall be operated in accordance with the provisións of Part V-A by personnel licensed in accordance with the provisions of Part IV.

(2) Nothing in this rule shall exempt any person from the requirements of the Indian Telegraph Act, 1885, and the rules made thereunder.

V.—After rule 8-A of the said Rules, the following rule shall be inserted, namely :—

Mails.

8-B. No person shall carry mails or allow mails to be carried in any aircraft except with the consent in writing of the Director General of Posts and Telegraphs.

VI.—For rule 9 of the said Rules, the following rule shall be substituted, namely :—

Aerodromes.

9. No pilot or person in charge of any aircraft carrying passengers for hire or reward shall use any place as a regular place of landing or departure other than an aerodrome provided or approved by the Governor-General in Council for this purpose.

VII.—In rule 10 of the said Rules, in sub-rule (2) for sub-clauses (*ii*) and (*iii*) of clause (*d*), the following sub-clauses shall be substituted, namely :—

(*ii*) massage bags, smoke producing or other apparatus or materials dropped for the purpose of navigating an aircraft or communicating messages from an aircraft, subject to the observance of such precautions as to the nature of the articles dropped and the place of dropping as will avoid risk of injuring persons or property on the ground, and

(*iii*) any other article the dropping of which is permitted by general or special order of the Governor-General in Council in writing in that behalf subject to the observance of any conditions specified in such general or special order.

VIII.—After rule 10 of the said Rules, the following rules shall be inserted, namely :—

Smoking in aircraft.

10 A. (1) The owner of every aircaft registered in British India which is provided with a certificate of airworthiness shall cause to be exhibited in a prominent place in the aircraft a notice stating where and to what extent smoking is prohibited or permitted therein.

(2) A notice permitting smoking in such aircraft may be exhibited therein only if smoking in the aircraft is permitted by the certificate of airworthiness of the aircraft or by the direction of the Governor-General in Council and only in accordance with the conditions relating to smoking contained in such certificate or direction.

(3) No person shall smoke in any aircraft registered in British India which is provided with a certificate of airworthiness unless a notice permitting smoking is exhibited in the aircraft, and any person smoking shall comply with all the terms of such notice.

Acts likely to imperil safety of aircraft.

10-B. No person shall interfere with the pilot or with a member of the operating crew of an aircraft, or tamper with the aircraft or its equipment or conduct himself in a disorderly manner in an aircraft or commit any act likely to imperil the safety of an aircraft or its passengers or crew.

IX.—For rule 12 of the said Rules, the following rule shall be substituted, namely :—

Conditions to be complied with by aircraft in flight.

12. No aircraft engaged in international navigation and no passenger aircraft, goods aircraft, mail aircraft, aerial work aircraft or aircraft used by a duly constituted flying club shall be flown unless the following conditions are complied with, namely :—

(*i*) the aircraft shall be certified as airworthy and shall be maintained in airworthy condition in accordance with the provisions of Part V or (in the case of an aircraft not registered in British India) in accordance with the regulations of the State in which the aircraft is registered ;

(*ii*) all the terms or conditions on which the certificate of airworthiness was granted shall be duly complied with ;

(*iii*) the aircraft shall carry on board its certificate of airworthiness and any other certificates prescribed by Part V or by the regulations of the State in which the aircraft is registered which it is required to carry on board. The certificate of airworthiness shall be carried in the pocket of the journey log book ;

(*iv*) the aircraft shall be fitted with and shall have in working order such instruments and equipment as are prescribed in Part V for an aircraft of that class or description :

Provided that the Governor-General in Council may, by order in writing and subject to such conditions as may be contained in the order, exempt any aircraft from the operation of this rule.

X.—In rule 14 of the said Rules, after the word " licence " the words " or the production by a pilot of his log book " shall be inserted ; after the words " or log book " the words " or document " shall be inserted ; and after the words " comply with such demand " the following words and proviso shall be added, namely :—

" or cause it to be complied with ;

Provided that in the case of any certificate or log book which is not by these Rules required to be carried in the aircraft, such certificate or log book shall be produced within seven days of the making of the demand."

XI.—After rule 14 of the said Rules, the following rules shall be inserted, namely :—

Power to prevent flights in contravention of the rules.

14-A. (1) Where it appears to any person authorised in writing by the Governor-General in Council in this behalf that an aircraft is intended or likely to be flown in such circumstances as to infringe the provisions of rule 4, rule 5, rule 7 or rule 12 or in such circumstances as to infringe the provisions of any other of these Rules, and to be a cause of danger to persons in the aircraft or to persons or property on the ground, the persons so authorised may give such directions or take such steps, either by way of detention of the aircraft or otherwise, as appear to him to be necessary in order to prevent the flight.

(2) Any person acting in contravention of any direction given under this rule shall, without prejudice to any other penalty he may incur under these rules, be deemed to have acted in contravention of these Rules.

Power to cancel, suspend or endorse licences and certificates.

14-B. (1) Where any person is convicted of a contravention of or failure to comply with these rules in respect of any aircraft, the Governor-General in Council may cancel or suspend any certificate of registration granted under these Rules relating to that aircraft.

(2) The Governor-General in Council may cancel or suspend any certificate relating to the airworthiness of an aircraft granted under these Rules if he is satisfied that reasonable doubt exists as to the safety of the aircraft in question or of the type to which the aircraft in question belongs and may vary the conditions attached to any such certificate if he is satisfied that those conditions may properly be relaxed or that reasonable doubt exists whether those conditions afford a sufficient margin of safety.

(3) The Governor-General in Council may cancel, suspend or endorse any certificate or licence granted under these Rules if he is satisfied that there is sufficient ground for so doing and may suspend any such certificate or licence temporarily during the investigation of any matter forming a ground for action under this sub-rule.

(4) The Governor-General in Council may cancel or vary any particulars entered by him or under his authority in any licence or certificate granted or in any journey log book issued under these Rules.

(5) The Governor-General in Council may require the holder of any licence, certificate or other document granted or issued under these rules or any person having possession or custody of such licence, certificate or document to surrender the same to him for cancellation, suspension, endorsement or variation and any person failing to comply with any such requirement within a reasonable time shall be deemed to have acted in contravention of these Rules.

Certain rules not applicable to gliders and kites.

14-C. Rules 4, 5, 6, 9, 10-A, 12, 14 and 14-B shall not apply to gliders and rules 4, 5, 5-A, 6 9, 10 (1), 10 (2) (*a*), (*b*) and (*c*), 10-A, 10-B, 12, 13, 14 and 14-B shall not apply to kites.

XII.—After the second proviso to clause (*b*) of sub-rule (1) of rule 19 of the said Rules, the following proviso shall be added, namely :—

Provided further that an aircraft the property of a duly constituted flying club carrying a member of the club otherwise than for the purpose of instructing such member in flying shall not be deemed to be flown for public transport notwithstanding that payment may be made to the flying club for such carriage, and in a case when payment is made either directly or indirectly to the pilot of the aircraft the aircraft shall be deemed to be flown for public transport.

XIII.—Sub-rule (2) of rule 20 of the said Rules shall be omitted.

XIV.—For Part V of the said Rules, the following shall be substituted, namely :—

## PART V.

### CERTIFICATES OF AIRWORTHINESS, OVERHAUL AND INSPECTION OF FLYING MACHINES REGISTERED IN BRITISH INDIA.

27. *Application of the Rules.*—The rules in this Part shall apply only to flying machines registered in British India.

27-A. *Standard of airworthiness.*—A certificate of airworthiness may be issued by the Governor-General in Council in respect of any flying machine which complies with

the minimum standards of airworthiness prescribed in the United Kingdom in respect of design, materials, methods of construction and equipment, and the owner of a flying machine in respect of which a certificate of airworthiness is required by these Rules, or is applied for or issued shall submit such evidence relating thereto and shall submit to such inspection and tests of the flying machine as may be required by the Governor-General in Council :

Provided that the Governor-General in Council may, in respect of any flying machine or class of flying machines, from time to time prescribe modifications of the standard and such modified standard shall be complied with as a condition of the issue or remaining in force of a certificate of airworthiness in respect of the flying machine or class of flying machines.

27-B. *Acceptance of foreign standards.*—The Governor-General in Council may, in respect of any flying machine, accept as evidence of compliance with the conditions of rule 27-A a valid certificate of airworthiness issued by the competent authorities in any other part of His Majesty's Dominions or in any foreign country, provided it is shewn to his satisfaction that the conditions on which such certificate of airworthiness was granted are substantially equivalent to the conditions on which a certicate of air worthness is granted by His Majesty's Government in the United Kingdom.

27-C. *Categories and sub-divisions.*—A certificate of airworthiness may be issued in respect of one or more of the categories and sub-divisions of flying machines specified in Section A of Schedule IV and the operations of the flying machine shall be restricted to those authorised for the categories to which the certificate of airworthiness extends.

28. *Instruments and equipment—minimum.*—A certificate of airworthiness shall not be granted in respect of any flying machine which is not equipped with the following instruments and equipment, which shall be in working order, namely :—

Air speed indicator.

Altimeter.

Revolution indicator.

Such gauges as may be considered necessary by the Governor-General in Council for the particular installation.

Safety belts or harness for the pilot and for each person carried in an open cock pit.

28-A. *Instruments and equipment for flight.*—Every flying machine which is required by these rules to be provided with a certificate of airworthiness, shall, when flying, be fitted or equipped with the instruments and equipment specified in Section B of Schedule IV according to the circumstances of the flight. The instruments and equipment shall be of approved type and shall be maintained in working order.

28-B. *Weight.*—Every flying machine which is required by these rules to be certified as airworthy shall be weighed and marked in accordance with the provisions of Section C of Schedule IV.

29. *Period of validity of certificates of airworthiness.*—A certificate of airworthiness shall be valid for a period of one year from the date on which the flying machine was passed for the issue of the certificate :—

Provided that in the case of damage to the flying machine such as renders it unsafe for flight, or of failure to carry out the inspections prescribed in these Rules, or of failure to carry out any compulsory modification directed by the officer authorised by the Governor-General in Council in this behalf, or of incorporation of any modification which has not been approved by the Governor-General in Council, the certificate shall cease to be valid until the flying machine has been repaired or modified as the case may be and inspected and certified as required by these Rules.

29-A. *Renewal of certificates of airworthiness.*—The Governor-General in Council may renew any certificate of airworthiness for such further period (not exceeding one year at a time) as he may think fit, and may for this purpose require the flying machine to be overhauled, inspected and certified in accordance with rule 30, and in addition may require the flying machine to be inspected by a person authorised in this behalf by the Governor-General in Council and/or tested in flight, and the owner of the aircraft shall give all necessary facilities for such inspection and test.

30. *Periodical overhaul.*—Every flying machine required by these rules to be provided with a certificate of airworthiness, and every engine of such flying machine shall be periodically overhauled, and after every such overhaul, and after the completion of any repairs to or modification of the flying machine, the flying machine shall be inspected and certified in accordance with the provisions of section E of Schedule IV by the appropriate person licensed under rule 32.

30-A. *Modifications.*—(1) If at any time the Governor-General in Council considers modifications to a flying machine, in respect of which a certificate of airworthiness is in force, to be necessary for safety, he may require such modifications to be carried out as a condition of the certificate of airworthiness remaining in force.

Such modifications may be notified in a general notice to aircraft owners and ground engineers or in a special notice to the owner of a particular aircraft.

(2) If modifications (including changes of equipment or its installation) which affect the safety of the flying machine are carried out in a flying machine in respect of which a certificate of airworthiness is in force, then, until the modifications have been approved by the Governor-General in Council, the flying machine shall not fly except in so far as under these Rules it might fly if it had no certificate of airworthiness.

(3) Any such modifications shall be carried out by an approved method and shall be inspected by the appropriate person licensed under rule 32, who shall certify the modification in the form and manner laid down in Section E of Schedule IV.

30-B. *Right of inspection.*—Any person authorised by the Governor-General in Council for this purpose may at any time inspect any flying machine which is required by these rules to be certified as airworthy or in respect of which a certificate of airworthiness is in force, and may, in the case of a flying machine which is required by these rules to be certified as airworthy, cause the flying machine to be detained until such repairs or modifications as he may consider necessary to render the machine fit for flight are executed.

31. *Daily inspection.*—(1) A public transport flying machine effecting public transport, other than under a private charter, shall not commence any flight unless it has, within the preceding 24 hours, been inspected and certified as safe for flight in accordance with these Rules by the appropriate person licensed under rule 32 :

Provided, that if any such flying machine is absent from its usual station, whether by reason of delay or otherwise, for a longer period than 24 hours, it may proceed on its flight if, at the time of commencement of the flight, it has not performed more than 12 hours flying and a period of more than four days has not intervened, since it was last so inspected and certified.

Provided further that no such flying machine shall commence any flight if, since such inspection, it has suffered any damage or revealed any defect which would render the machine unsafe for flight and which could not, in accordance with ordinary aeronautical practice, be remedied by the pilot or crew.

(2) The certificate required by sub-rule (1) of this Rule shall be given in the form and manner specified in Section D of Schedule IV.

(3) The pilot or commander of every flying machine which is required by these Rules to be certified as airworthy shall before commencing any flight satisfy himself in the manner laid down in Section D of Schedule IV, according to the circumstances of the flight, that the flying machine is safe for flight.

32. *Licensing of Ground Engineers.*—(1) For the purpose of rules 30, 30-A and 31 the Governor-General in Council may grant licenses as Ground Engineers in the following categories to persons who satisfy the requirements as to practical experience, examination and tests laid down in Section F of Schedule IV, namely :—

*Category A.*—Inspection of aircraft before flight.

*Category B.*—Inspection of aircraft during construction or overhaul.

*Category C.*—Inspection of aero engine before flight.

*Category D.*—Inspection of aero engines during construction or overhaul.

*Category X.*—Inspection, construction, installation and/or repair of aircraft instruments, accessories and equipment ; special duties as may be specified in the license.

(2) A Ground Engineer's license shall not be granted to a person who has not attained the age of 21 years.

(3) Licenses shall remain valid, unless otherwise cancelled or suspended, for a period of twelve months, and may thereafter be renewed by the Governor-General in Council. A candidate for the renewal of a license may be required to undergo further examinations and tests as a condition of the renewal of the license.

(4) A Ground Engineer licensed in a particular category shall be competent to deal only with the matters specified in sub-rule (1) against the category in which he is licensed.

(5) A license granted under this rule shall specify the type or types of aircraft, aero engines, instruments, accessories or equipment which the licensee is competent to deal with, and may contain restrictions limiting his competence to deal with any particular class of work, and the Governor-General in Council may at any time vary such specifications or restrictions.

(6) Any license granted under this rule may be cancelled, suspended or endorsed by the Governor-General in Council after investigation where it appears to him that—

(a) the holder of such license has performed work or granted a certificate in respect of work, which has not been performed in a careful and competent manner, or

(b) the holder of such license has granted a certificate in respect of any matter which he is not licensed to deal with,

(c) it is undesirable for any other reason that the holder of such license should continue to exercise the functions of a Ground Engineer.

33. *Fees.*—(1) The following fees shall be payable in respect of the issue, or renewal of certificates of airworthiness and Ground Engineers' licenses and duplicate certificates and licenses, and the inspections, tests and examinations required by this Part of these Rules.

*Certificates of Airworthiness.*

| | Rs. |
|---|---|
| (a) Issue or renewal of Certificate, including such inspections as may be required by the Governor-General in Council .. | 50 |
| (b) Issue of duplicate Certificate .. .. .. | 5 |

*Ground Engineer's Licenses.*

*For the license—*

| | |
|---|---|
| Issue, renewal or issue of a duplicate .. .. .. | 5 |

*For each separate technical examination—*

When required, on issue, renewal or extension—

| | Rs. |
|---|---|
| (i) One category .. .. .. | 10 |
| (ii) Two categories .. .. .. | 15 |
| (iii) Each additional category .. .. .. | 5 |
| (iv) Additions of types of aircraft, engines, instruments, accessories or equipment to those already endorsed on the license for each category in which additions are required .. | 5 |

(2) When, in view of the candidate's experience and competence, it is decided to dispense with the whole or a part of the technical examination, the fee may be waived or reduced by such amount as the Governor-General in Council thinks fit.

(3) An application for a license or certificate or for the renewal or further endorsement of a license or certificate shall be accompanied by a Treasury Receipt or Money Order receipt for the sum necessary to cover all the fees payable, but when, in any case, the license or certificate is not issued or renewed, the Governor-General in Council may refund to the applicant such proportion of the sum paid as represents the cost of any examination or inspection not carried out or any license or certificate not issued.

XV. After Part V of the said Rules, the following Part shall be inserted, namely :—

## PART V-A.

### *Radioelectric Apparatus, Signals, etc.*

33-A. *Radioelectric Apparatus.*—(1) Every aircraft registered in British India, which has seating accommodation, according to its certificate of airworthiness, for ten or more persons including the crew, shall, when effecting public transport, carry radioelectric apparatus capable of sending and receiving telegraphic or telephonic communications, of an approved type, and installed, bonded and screened in an approved manner.

(2) Such apparatus shall be operated under the conditions defined by the International Radiotelegraph Convention of Washington and the regulations annexed thereto or any international convention and regulations which may supersede them.

(3) The installation and use of spark transmission (type B of the General Regulations annexed to the International Radiotelegraph Convention of Washington) is prohibited on board aircraft.

(4) The application of the regulations in this Part may be suspended when, owing to the absence of land wireless telegraphy organizations available for air traffic, the employment of apparatus for wireless telegraphy on board aircraft would serve no useful purpose.

33-B. *Signals.*—(1) In making or receiving signals by wireless telegraphy or other methods of communication, except by visual signals when the Morse Code is not being used, every aircraft shall use as its call sign the complete group of five letters which constitutes its nationality and registration marks, preceded, in the case of a signal by radiotelephony, by the name of the owner of the aircraft :

Provided that after communication has been established by means of such call sign the aircraft may employ an abridged call sign consisting—

(*a*) in the case of radiotelegraphy, of the first and last letters of the complete call sign of five letters ;

(*b*) in the case of radiotelephony, of the whole or part of the name of the owner of the aircraft followed by the last two letters of the complete call sign of five letters.

Provided further that nothing in this rule shall affect the special provisions as to signals laid down in rules 45, 46, 47 and 48.

(2) No person in an aircraft shall make any signal prescribed by these rules except for the purposes specified therein, and no person shall knowingly make, without lawful authority, any naval, military or airforce signal.

(3) An aircraft other than a State aircraft shall not bear any mark or sign used or appropriated for use by State aircraft.

XVI. In rule 35 of the said Rules in sub-rule (1) for clause (*b*), the following clause shall be substituted, namely :—

(*b*) in addition, for every public transport aircraft or aerial work aircraft (except where such aircraft does not leave the vicinity of its starting place and returns without landing elsewhere to its starting place) and for every aircraft engaged in international navigation, a journey log book.

XVII. In Part X, the following headings shall be omitted, namely :—

"Inspection"

"Exemptions"

"Penalty".

XVIII. In rule 65 of the said Rules, for clauses (*b*) and (*c*) the following clauses shall be substituted, namely :—

(*b*) at all times during working hours enter that portion of any factory or place in which aircraft or parts of aircraft or aero engines or parts of aero engines are being manufactured, overhauled, repaired or assembled and inspect any such factory or place, aircraft, aero engines or parts and any drawings relating to such aircraft, aero engines or parts.

(*c*) enter, inspect and search any aircraft for the purpose of securing compliance with any of these rules.

XIX. After rule 65 of the said Rules the following rule shall be inserted, namely :—

65-A. *Mutilation of log books.*—No persons hall destroy, mutilate, alter or render illegible any log book or any entry made therein, or wilfully make or procure or assist in the making of any false or fraudulent entry in or omission from any log book.

XX. Rule 68 of the said Rules shall be renumbered as sub-rule (1) and the following sub-rule shall be added, namely :—

(2) It shall be a defence to any proceedings for contravention of, or failure to comply with, these rules if the contravention or failure is proved to have been due to accident, stress of weather or other unavoidable cause ; and it shall be a defence to any proceedings under these rules against the owner, hirer, operator, pilot or commander of an aircraft that the alleged contravention took place without his actual fault or privity.

XXI. After rule 68 of the said Rules the following rule shall be inserted, namely :—

69. *Obstruction of authorised person.*—Whoever obstructs or impedes any person acting under the authority of the Governor-General in Council in the exercise of his powers and duties under these Rules, shall be deemed to have acted in contravention of these Rules.

XXII. For Schedule IV to the said Rules, the following shall be substituted, namely :—

## SCHEDULE IV.

DETAILED CONDITIONS APPLICABLE TO THE ISSUE, VALIDITY AND RENEWAL OF CERTIFICATES OF AIRWORTHINESS, AND GROUND ENGINEERS' LICENCES.

### SECTION A.

*Classification of Flying Machines.*

1. Every flying machine for which a certificate of airworthiness is granted will be classified on such certificate as belonging to one of the following categories and one or more of the following sub-divisions :—

(1) *Normal Category* :—

*Sub-division* (*a*).—Passenger machines.

*Sub-division* (*b*).—Mail machines.

*Sub-division* (*c*).—Goods machines.

*Sub-division* (*d*).—Aerial work machines.

*Sub-division* (*e*).—Private machines.

(2) *Special Category* :—

*Sub-division* (*f*) : Racing or record machines.

" Racing or record machines " are machines which are specially intended or arranged for the purpose of sporting or technical performances, to the exclusion of all other uses.

*Sub-division* (*g*) : Research or experimental machines.

" Research or experimental machines " are machines which are specially intended or arranged for the purpose of experimenting in flight with new apparatus, to the exclusion of all other uses.

(3) *Acrobatic Category* :—

*Sub-divisions* (*a*) to (*g*) in the two preceding categories.

NOTE :—(*i*) An aerial work machine may be limited by the certificate of airworthiness to specific purposes for which it is designed or equipped.

(*ii*) Private machines for the purpose of certificates of airworthiness are those which may not be used for public transport or any other industrial purpose for remuneration.

(*iii*) All machines in the Normal and Special Categories are limited to straight flying, *i. e.*, are precluded from any evolution which might cause abrupt variations in the height or altitude of the machine.

(*iv*) The flight of machines in the Special Category may be limited, as a precautionary measure, to certain areas and to certain periods.

(*v*) Machines in the " Acrobatic " Category are not restricted to straight flying.

(*vi*) The Category in which a flying machine may be given a certificate of airworthiness depends upon its load factors, its performance and its equipment.

2. A flying machine which is classified in any sub-division in the Normal or Special Category may be used for any of the sub-divisions which follow in those categories and a flying machine which is classified in any sub-division in the Acrobatic Category may be used for any of the sub-divisions which follow in that category, provided in each case that while being so used all the conditions (including those relating to the equipment and operation of the machine) applicable to the sub-division concerned are complied with.

SECTION B.

*Instruments and equipment to be carried by flying machines.*

1. The following are the instruments and equipment required in the circumstances detailed to be carried when flying by flying machines which are required to be provided with a certificate of airworthiness :—

(1) In all flying machines :—

(*a*) For all flights :—

The instruments specified in rule 28 of Part V.

In addition, in amphibian flying machines—

Indicator of position of landing wheels.

(*b*) For flights which extend beyond a radius of 3 miles from the point of departure :—

Equipment, as required by the circumstances of the case, for making the signals prescribed in these Rules.

(*c*) For flights any part of which takes place between sunset and sunrise :—

Navigation lights.

Illumination for instruments and equipment.

(2) In public transport flying machines, in addition :—

(*d*) For flights which extend beyond a radius of 20 miles from the point of departure :—

Compass.

Watch.

Map or maps to cover the whole route of the proposed flight.

Turn Indicator }
Pitch Indicator } for machines operating on a regular scheduled air service.

(*e*) For flights at any point of which the machine is more than 10 miles from the nearest land :—

Life belt for each person on board.

(*f*) For flights by nights :—

Landing lights.

(*g*) For flights on which a licensed navigator is required, by Part IV of these rules, to be carried :—

Drift Indicator, for machines with seating accommodation, as shewn in the certificate of airworthiness, for more than five persons.

Chart table
Navigation instruments.
Navigator's air speed indicator.
Navigator's altimeter.
Navigator's compass.
} As may be required by the duties and location of the navigator.

*Note.*—The rules with regard to carriage of radioelectric apparatus are given in Part V-A.

SECTION C.

*Weighing and marking of flying machines.*

1. Every flying machine shall be weighed :—

(*a*) before a certificate of airworthiness is issued in respect thereof ; and

(*b*) at such times after the issue of a certificate of airworthiness as the Governor-General in Council may require.

2. Every flying machine for which a certificate of airworthiness is for the time being in force shall bear clearly painted upon it in a prominent position :—

(a) its weight empty (including water in radiators), as ascertained at its last previous weighing ; and

(b) the maximum total weight authorised for it, as shown for the time being in its certificate of airworthiness ;

and shall carry displayed in a prominent position inside it a weight schedule showing what items of equipment (if any) are included in the "weight empty (including water in radiators)" as painted on it.

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## SECTION D.

### *Inspection of aircraft before flight.*

1. *Conditions of inspection.*—The inspection of a flying machine required by rule 31 (1) shall be in accordance with the following provisions :—

(a) Inspection of the flying machine (including its instruments and equipment, but exclusive of the engine or engines and engine installation and of the instruments relating thereto) shall be carried out by a ground engineer licensed in Category A in respect of aircraft of the type in question.

(b) Inspection of the engine or engines and engine installation and of the instruments relating thereto shall be carried out by a ground engineer licensed in Category C in respect of engines of the type or types in question.

(c) The whole of the inspection may be carried out by the same ground engineer, provided that he is licensed both in Category A and in Category C in respect of aircraft and engines of the types in question.

2. *Form of ground engineer's certificate.*—The certificate of the ground engineer required by rule 31 (2) shall be made out in duplicate in the following form :—

*Certificate of safety for flight.*

Aircraft Type..........................................................

Nationality and Registration Marks ..........................................

(a) I hereby certify that I have this day inspected the above aircraft [including its instruments and equipment, but exclusive of the engine(s) and engine installation and of the instruments relating thereto], and that I am satisfied that it is safe in every way for flight, provided that the conditions of loading specified in the certificate of airworthiness are complied with.

(Signed) ..........................................................

Ground Engineer ; Licence No..........................................

Category............................

Date ..........................................................

Time ..........................................................

(b) And I hereby certify that I have this day inspected the engine (s) and engine installation (including the instruments relating thereto) of the above aircraft and that I am satisfied that they are in every way fit for flight.

(Signed) ..........................................................

Ground Engineer ; Licence No..........................................

Category........................

Date ..........................................................

Time ..........................................................

3. *Pilot's inspection.*—The inspection of a flying machine required by rule 31 (3) shall be such as to satisfy the pilot or commander of the flying machine on the points enumerated hereunder :—

(a) The aircraft is equipped with the prescribed instruments and equipment.

(b) The aircraft, engines, instruments and equipment have been certified by a ground engineer holding the appropriate licence as fit in every way for the proposed flight, in accordance with rule 31.

(c) The aircraft is satisfactorily loaded with respect to total load and distribution of load as specified in the certificate of airworthiness, with such modification as may be necessitated by the conditions of the proposed flight.

(d) The view of the pilot is not interfered with by any obstruction not forming part of the structure of the aircraft.

(e) Sufficient fuel oil and water are on board for the purpose of the proposed flight.

4. *Load sheet.*—In the case of a pulic transport flying machine effecting public transport on a regular air service, a load sheet shall be completed by the person superintending the loading and such load sheet shall be submitted to the pilot or commander for the purpose of satisfying himself that the conditions set out in paragraph 3 (c) of this Section have been complied with.

5. *Disposal of Certificates.*—Of the copies of the certificates referred to in this Section one copy shall be retained by the owner or operator of the aircraft, and one copy shall be carried in the journey log book until replaced by a further certificate issued under this Section. The load sheet shall be kept by the owner or operator of the aircraft. Certificates and load sheets shall be kept for six months from the date of their completion.

## SECTION E.

### *Inspection of aircraft and aero engines after overhaul, repair, etc.*

1. *Conditions of Inspection.*—When any flying machine which is required by these Rules to be certified as airworthy or in respect of which a certificate of airworthiness has been issued by the Governor-General in Council or the engine(s) of such flying machine is overhauled, repaired or modified, or when any part thereof is replaced, the aircraft shall not fly again, except in so far as under these Rules it might fly if it had no certificate of airworthiness, unless and until the following conditions have been complied with :—

(1) The work shall be completed in all essential respects in accordance with (a) the approved type design in conformity with which the aircraft or engine was constructed, including any modifications to that design or to the aircraft or engine which may have been required or approved by the Governor-General in Council, or in accordance with (b) a repair scheme which has been approved by the Governor-General in Council.

(2) The materials used shall be not inferior to those authorized for the type design in conformity with which the aircraft or engine was constructed.

(3) The work shall be inspected in accordance with the provisions respecting inspection of subsequent aircraft or engines applicable to the case.

(4) A certificate in the form set out in paragraph 3 of this Section, shall be obtained.

Provided that in the case of repairs where it is not reasonably practicable to comply with the above requirements, whether by reason of particulars of the type design not being available or otherwise, a temporary repair may be made for the purpose of enabling the aircraft to proceed directly to the nearest place at which a repair complying with the above requirements can be carried out, and, if the pilot is satisfied that, having regard to all the circumstances of the case, such repair is adequate for the purpose, the aircraft may then proceed to fly to such place.

Provided further that if it is proposed that such temporary repair shall remain in service, it shall be treated as a modification requiring the approval of the Governor-General in Council, and until such approval has been obtained the aircraft shall not fly except as specified in the preceding proviso or in so far as under these Rules it might fly if it had no certificate of airworthiness.

2. *Inspection Requirements.*—The following conditions shall be complied with in the inspection of flying machines or engines during construction (including overhaul, repair, modification, or replacements), namely :—

(1) All materials used in the construction of the aircraft or engine shall be in accordance with the approved specification for the first aircraft or engine constructed of that particular type, and such material shall be adequately identified as being of the approved specification or shall be proved to comply with such specification by suitable examination, sampling and testing.

(2) The constructor's inspecting staff shall stamp, ortherwise provide means for the identification of, all parts approved by them for incorporation in the aircraft or engine in such a way that the person so approving each such part can subsequently be identified.

(3) Only parts which have been approved in accordance with sub-paragraph (2) of this paragraph may be issued to the workshops for assembly into the aircraft or engine.

(4) The constructor shall maintain an efficient process inspection during the work of assembly, and record the progress of such inspection for each component. Every component shall be finally inspected and approved by a qualified member of his inspection staff, who shall mark the component in such a way that he may afterwards be identified as the person having so approved it and he shall also sign the inspection record.

(5) Operations such as heat treatment of steels and non-ferrous metals, seasoning and coversion of timber, glueing of important parts, doping, welding, whitemetalling, brazing and soldering shall be carried out by methods approved by the Governor-General in Council.

(6) The constructor shall ensure that all components and parts obtained from sub-contactors have been inspected and approved in accordance with these conditions.

(7) The constructor shall ensure that all engines fitted in the aircraft have been inspected and approved in accordance with these conditions and have passed satisfactory tests. The constructor shall provide adequate facilities for these tests.

(8) The constructor shall ensure that the instruments and equipment fitted in accordance with Section B of this Schedule have been manufactured and any repairs thereto executed in accordance with approved specifications.

(9) The aircraft constructor shall ensure by suitable inspection that all engines, instruments and parts (including wiring for electrical equipment and wireless apparatus) which are fitted into the aircraft are so installed as to function correctly. The persons responsible for such inspection shall be indicated by signature on the inspection record referred to in sub-paragraph (4) of this paragraph.

3. *Form of Certificate.*—The certificate referred to in condition (4) of paragraph 1 of this section shall be appended to the written particulars of the overhaul, repair, modification or replacement to which it relates, and shall be in the following form :—

I hereby certify that in carrying out the overhaul, repair, modification, replacement specified above all the conditions required for the inspection of subsequent aircraft (aero engines) during construction which are applicable to this aircaft (aero engine) have been complied with.

Signed..................................................

Designation..................................................

Date..................................................

4. *Persons authorised to give certificates.*—The certificate referred to in condition (4) of paragraph 1 shall be signed by a ground engineer qualified under the terms and conditions of his licence to carry out or inspect the overhaul, repair, modification, or replacement to which the certificate relates, or by a person authorised by a firm or company approved by the Governor-General in Council in this behalf, or where the overhaul, repair, or replacement has been carried out at a Royal Air Force workshop by Royal Air Force personnel by the officer in charge of that workshop.

5. *Ground engineers authorised to inspect.*—The categories of ground engineers who are authorised to inspect overhauls, replacements, modifications and repairs are as follows :—

(*a*) Inspection of flying machines, excluding engines—a ground engineer licensed in Catogory B in respect of aircraft of the type in question.

(*b*) Inspection of engines—a ground engineer licensed in Category D in respect of engines of the type in question.

(c) Inspection of intruments, equipment and accessories of aircraft and engines—a ground engineer licensed in Category X in respect of the type of instrument, equipment or accessory in question.

6. *Disposal of certificates.*—The certificate referred to in condition (4) of paragraph 1 shall, when it relates to the aircraft exclusive of the engine or engines, be written in the aircraft log book, or, when it relates to the engine or engines, be writen in the engine log book, or when it relates to instruments, equipment and accessories, in the aircraft of engine log book as may be most appropriate. Provided that if the appropriate log book is not at the place where the overhaul, repair, modification or replacement is carried out, the certificate may be given separately, but shall be pasted in the log book as soon as practicable and shall be kept with the journey log book until so pasted.

7. *Inspection after damage.*—When damage occurs to the main structure of an aircraft in respect of which a certificate of airworthiness is required by these Rules, the aircraft shall not again fly until the damage has been repaired and a certificate has been obtained in accordance with this section.

8. *Defective parts.*—When any part of an aircraft, an aero engine, or an instrument or equipment of an aircratt is revealed by inspection to be defective, the Governor-General in Council may require it to be delivered to a person authorised by him in this behalf for examination, and on a request being made by the owner such part shall be returned to him after examination.

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## SECTION F.

### *Ground Engineers' Licences. Qualifying Tests and Examinations.*

1. *Practical experience required.*—(1) An applicant for the grant of a licence under rule 32 shall normally be required to satisfy the examiner appointed or approved by the Governor-General in Council in this behalf that he has the qualifications and has had the practical experience detailed below for the appropriate category of licence :—

*Category A.*—Not less than two years on aircraft maintenance or construction and maintenance.

*Category B.*—Not less than two years on aircraft construction, including overhaul and the testing of materials used in aircraft construction, and not less than four years in all on aircraft construction and maintenance. The applicant must be the holder of a licence in Category A.

*Category C.*—Not less than two years on aero engine maintenance or construction and maintenance.

*Category D.*—Not less than two years on aero engine construction, including overhaul and the testing of materials used in aero engine construction, and not less than four years in all on aero engine construction and maintenance. The applicant must be the holder of a licence in Category C.

*Category X.*—Such practical experience of the particular work of which the licence is required as in the opinion of the authorised examiners will enable the candidate to perform satisfactorily the duties for which the licence is required.

(2) A shorter period of practical experience than that specified may be accepted as sufficient on proof that the candidate has otherwise acquired adequate engineering experience which may be applied to the construction or maintenance of aircraft, aero engines, instruments, accessories or equipment as the case may require.

(3) A candidate whose experience is limited to particular types of construction methods of overhaul or materials may be granted a licence restricted to those particular types of construction, methods of overhaul or materials.

Provided that an applicant for such a restricted licence in Category B or D shall have had not less than one year's experience in the complete overhaul or construction and overhaul of aircraft or aero engines *as the case may be* and not less than three years' experience in all in aircraft construction overhaul *and* maintenance, or aero engine construction, overhaul *and* maintenance, as the case may be, and shall if an applicant for a B licence have held an A licence for one year, and if an applicant for a D licence have held a C licence for one year.

2. (a) *Technical examination.*—An applicant for the grant of a licence shall be required to pass to the satisfacation of the examiner an examination in the subjects detailed below for the appropriate category of licence :—

*For all Categories.*

Duties and responsibilities of a ground engineer ; approved materials and distribution procedure ; procedure regarding modification ; forms and procedure regarding certificates and log book entries ; prescribed equipment of aircraft ; general principles of engieering practice.

*Category A.*

*Inspection of aircraft before flight.*

Elementary theory of flight as applied to rigging ;

Erection and inspection of aircraft and adjustment of flying controls ;

Inspection for wear and tear and inspection after accident.

Methods of carrying out repairs, replacements and modifications permitted under Category A.

Common defects of aircraft components ;

Fitting and inspection of airscrews ;

Principles of construction, installation and inspection of air speed indicators and altimeters ;

Principles of construction, installation and inspection of various types of turn indicators and electrical equipment ;

Erection, truing and inspection of hulls and/or floats.

*Category B.*

*Inspection of aircraft during construction or overhaul.*

The subjects for Category A, and in addition :—

Processes of manufacture, inspection, testing and identification of aircraft materials and parts ;

Methods of repair, assembly, inspection and testing of aircraft components and complete aircraft.

*Category C.*

*Inspection of aero engines before flight.*

Principles of internal combustion engines ;

Constructional details of types of aero engines ;

Top overhaul ; methods, common defects and permissible allowances for wear distortion ;

Clearances and tolerances, use of measuring instruments, and knowledge of principles of expansion of metals ;

System of carburation, ignition and lubrication ;

Detection and correction of running defects ;

Installation of engines and inspection of installation and engine controls ;

Fitting and inspection of airscrews ;

Principles of construction, installation and inspection of aero engine instruments ;

Routing inspection and testing of aero engines preparatory to flight.

*Category D.*

*Inspection of aero engines during construction or complete overhaul.*

The subjects of Category C, and in addition :—

Processes of manufacture, inspection, testing and identification of aero engine materials and parts ;

Methods of repair, assembly, inspection and testing of aero engine components and complete aero engines.

*Note.*—In the case of restricted B and D licences such portions of the appropriate syllabus may be omitted as the examiner thinks fit.

*Category X.*

One or more of the following subjects according to the purpose for which the licence is required :—

(1) Repair, overhaul and testing of magnetos.

(2) Repair, overhaul, testing and calibration of aircraft and aero engine instruments.

(3) Inspection, packing and maintenance of parachutes.

(4) Installation and compensation of compasses in aircraft.

(5) Construction and repair by welding.

(*b*) The examiners may require a candidate to undergo a practical test in any of the subjects of examination.

(*c*) An applicant for the renewal of a licence who has not, since the issue of the licence, been employed on the work for which the licence was issued may be required to undergo re-examination as a condition of the renewal of the licence.

SECTION G.

*General.*

1. Application for the issue or renewal of certificates of airworthiness and ground engineers' licences should be made to the Director of Civil Aviation in India, Simla/New Delhi, by whom all the necessary forms will be supplied on demand, and by whom instructions will be issued as to the place and time of inspection or examination and as to further information or evidence required for the purpose of the issue of the certificate or licence.

2. The detailed syllabus of examination for ground engineers will be supplied by the Director of Civil Aviation in India, Simla/New Delhi, on demand.

XXIII.—In Schedule VI of the said Rules, the following shall be omitted namely :—

Forms J, K, L and M.

J. A. SHILLIDY,
Secretary to the Government of India.

(INTER-PROVINCIAL MIGRATION.)

The 24th August 1933.

**No. L.-3021.**—In supersession of notification No. L.-3021 (1), dated the 31st July 1933, and in pursuance of sub-section (3) of section 1 of the Tea Districts Emigrant Labour Act, 1932 (XXII of 1932), the Governor-General in Council is pleased to appoint the 1st October 1933 as the date on which the said Act shall come into force.

A. G. CLOW,
Joint Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, SEPTEMBER 9, 1933.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.

CUSTOMS.

Simla, the 9th September 1933.

**No. 47.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to prohibit the bringing into British India of dutiable articles by the letter posts ;

Provided that nothing in this notification shall be deemed to apply to the bringing into British India of dutiable articles in letters when such letters bear on the front a label showing the nature, weight and value of their contents or are accompanied by a declaration of their contents.

G. S. HARDY,
Joint Secretary to the Government of India.

784 CS—798—15-9-33—SGPP Lahore

Registered No. L. 864.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

### Published by Authority

LAHORE, FRIDAY, SEPTEMBER 22, 1933.

## PART II.

## Republications from the " Gazette of India."

FROM THE " GAZETTE OF INDIA ", SIMLA, SATURDAY, AUGUST 26, 1933.

### HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 23rd August 1933.

**No. F. 49/15/33.**—It is hereby notified for general information that the Governor-General in Council has been pleased to determine that the Political Secretary, Aden, and the Civil Secretary and District Magistrate, Aden, shall take rank in articles 47 and 59, respectively of the Warrant of Precedence for India.

The 24th August 1933.

**No. F. 49/9/33.**—It is hereby notified for general information that the Governor-General in Council has been pleased to determine that the following appointments shall take rank in the articles specified against each in the Warrant of Precedence for India :—

| Article. | Appointment. |
|---|---|
| 6 (when outside the province) | Governor, North-West Frontier Province. |
| 18 (when outside the province) .. .. | Members of the Executive Council and Ministers, North-West Frontier Province. |
| 34 .. .. .. .. | Chief Secretary to the Government of the North-West Frontier Povince. |
| 44 .. .. .. .. | Comptroller, North-West Frontier Province. |
| 28 (when within his charge) and .. .. 34 (when outside his charge) .. .. | Revenue and Divisional Commissioner, North-West Frontier Province. |

T. SLOAN,

Joint Secretary to the Government of India.



(I) PGG

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, SEPTEMBER 16, 1933

## HOME DEPARTMENT.

NOTIFICATION.

POLITICAL.

Simla, the 15th September 1933.

**No. D.-4983/33.**—The services of Munshi Khairat Nabi, Officer on Special Duty with the Intelligence Bureau, Home Department, Government of India, are replaced at the disposal of the Government of the United Provinces, with effect from the date of the expiration of the leave granted to him in the Home Department notification No. D.-568/33-Poll., dated the 3rd February, 1933, as amended by the Home Department notification No. S.-1934/33-Poll., dated the 20th June 1933.

M. G. HALLETT,

Secretary to the Government of India.

## FINANCE DEPARTMENT.

RESOLUTION.

Simla, the 14th September 1933.

**No. D.-6980-F.**—In their Resolution No. 509 (Post Office), dated the 11th March, 1905, the Government of India announced their decision that the rate of interest allowed on cash deposits (at all) in the Post Office Savings Banks should be reduced from $3\frac{1}{8}$ per cent. to 3 per cent. per annum. In view of the general reduction in their borrowing rates the Government of India consider that a further reduction is now justified. They have accordingly decided that with effect from the 1st of November, 1933, the rate of interest to be allowed on cash deposits in the Post Office Savings Banks shall be $2\frac{1}{2}$ per cent. per annum.

J. B. TAYLOR,

Offg. Secretary to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATION.

TARIFFS.

Simla, the 16th September 1933.

**No. 57-T. (1)/33.**—In exercise of the powers conferred by section 3 of the Indian Tea Cess Act, 1903 (IX of 1903), and in supersession of the notification of the Government of India in the Department of Commerce, No. 2152, dated the 21st April, 1923, the Governor General in Council, on the recommendation of the Indian Tea Cess Committee, is pleased to direct that the rate of the customs duty levied and collected on tea produced in India and exported from any customs port, other than a customs port in Burma, to any port beyond the limits of British India or to Aden, shall be eight annas per hundred pounds.

T. A. STEWART,

Offg. Secretary to the Government of India.

## ARMY DEPARTMENT.

PART B.

CANTONMENTS—REGULATIONS.

Simla, the 16th September 1933.

**No. 558.**—In exercise of the powers conferred by section 280 of the Cantonment Act, 1924 (II of 1924), the Governor-General in Council is pleased to direct that the

following further amendment, having been previously published as required by sub-section (1) of the said section, shall be made in the Cantonment Land Administration Rules, 1925, namely :—

After rule 14 of the said rules the following rule shall be inserted, namely :—

" 15. Notwithstanding anything contained in the foregoing rules, all arrears of rent and other payments thereunder shall be recoverable as if they were arrears of land revenue together with interest on such arrears at the rate of twelve and a half per cent. per annum from the date when they become due to the date of their realisation. "

G. R. F. TOTTENHAM,

Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

### NOTIFICATION.

POSTS AND TELEGRAPHS BRANCH.

Simla, the 14th September 1933.

**No. T.-122/33.**—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Indian Telegraph Rules, 1932, namely :—

After rule 453-A of the said Rules, the following rule shall be inserted, namely :—

" 453-B. A public call office not connected to an exchange by a separate line of its own, but connected to a trunk line shall be treated as if it were connected to an exchange located at the same place as the public call office. A charge of two annas for each single period or portion thereof shall be levied for the use of such a public call office in addition to the charge payable under Rule 450 for a trunk call from an exchange located at the same place as the public call office.

J. A. SHILLIDY,

Secretary to the Government of India.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

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## PART II.

## Republications from the " Gazette of India."

FROM THE " GAZETTE OF INDIA ", SIMLA, SATURDAY, SEPTEMBER 23, 1933.

### FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATIONS.

INCOME-TAX.

Simla, the 23rd September 1933.

**No. 37.**—In exercise of the powers conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Finance Department No. 878-F., dated the 21st March 1922, namely :—

In paragraph (*a*) of the said notification, clauses (11), (12), (12-A), (13), (13-A), (13-B) and (13-C) shall be omitted.

**No. 38.**—In exercise of the powers conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 192 ), the Governor-General in Council is pleased to direct that the Notification of the Government of India in the Finance Department No. 46 S., dated the 23rd June 1922 and the Notification of the Government of India in the Finance Department (Central Revenues), No. 60 (Income-tax), dated the 5th January, 1925 shall be cancelled.

A. H. LLOYD,

Joint Secretary to the Government of India.

### CENTRAL BOARD OF REVENUE.

NOTIFICATION.

INCOME-TAX.

Simla, the 23rd September 1933.

**No. 36.**— In exercise of the powers conferred by section 59 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following

further amendment having been previously published as required by sub-section (*4*) of the said section, shall be made in the Indian Income-tax Rules, 1922, namely :—

In Note *5* (*b* of the Notes appended to the statement of total income in rule 19 of the said Rules for the words " in such a form " the words " on the mercantile accountancy or book profits system but on a cash basis " shall be substituted.

RAM NATH,

Secretary, Central Board of Revenue.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

HEALTH.

Simla, the 20th September 1933.

**No. F.-6-9/33.**—The following amendments giving effect to modifications made by the Secretary of State in Council in the orders embodied in the regulations published under notification No. F. 9-3/32-H., dated the 12th October, 1932, are published for general information.

AMENDMENTS.

1. In schedule I to the said Regulations, in the entries relating to Bombay the words " Marine Surgeon " shall be deleted from the entry " Presidency Surgeon, Marine Surgeon and Visiting Medical Officer, St. George's Hospital. "

2. In schedule II to the said Regulations,

(*a*) in the entries relating to Madras,

(*i*) the entry " 1 Resident Medical Officer, General Hospital, Madras ", shall be omitted,

(*ii*) for the entry " 7 District Medical Officers and Civil Surgeons, Anantapur South Arcot, South Kanara, Kistna, Kurnool, Tinnevelly and Kochin, " the following entry shall be substituted, namely :—

" 2 District Medical officers, Kistna and Tinnevelly,"

and (*iii*) for the figures " 15 " the figure " 9 " shall be substituted.

(*b*) in the entries relating to Bengal,

(*i*) for the entry " 2 Professors, Medical College, Calcutta, *viz.*, Professor of Opthalmic Surgery, and Professor of Pathology who is also Bacteriologist to the Government of Bengal " the following entry shall be substituted , namely :—

" 1 Professor of Opthalmic Surgery, Medical College, Calcutta,"

(*ii*) the entries " 1 Resident Surgeon, Presidency General Hospital, Calcutta, 1 Civil Surgeon, Noakhali " shall be omitted,

(*iii*) for the figure " 6 " the figure " 3 " shall be substituted.

(*c*) in the entries relating to the Punjab,

(*i*) for the entry " 5 Professorships, Medical College, Lahore," the following entry shall be substituted, namely :—

" 6 Professorships, Medical College, Lahore,"

(*ii*) for the entry " 3 Civil Surgeons, Siálkot, Kángra (Dharamsála) and Campbellpur," the following entry shall be substituted, namely :—

" 2 Civil Surgeons, Kángra (Dharamsála) and Campbellpur".

(*d*) in the entries relating to Burma,

(*i*) the entry " 1 Chemical Examiner " shall be omitted,

and (*ii*) for the figures " 14 " the figures " 13 " shall be substituted.

GENERAL.

The 20th September 1933.

**No. F. 1-10/32.**—In pursuance of sub-section (*3*) of section 1 of the Port Haj Committees Act, 1932 (XX of 1932), the Governor-General in Council is pleased to appoint the 25th September, 1933, as the date on which the provisions of sections 2 to 24 of the said Act shall come into force in the Presidency of Bomby.

RAM CHANDRA,

Joint Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATIONS.

Simla, the 21st September 1933.

**No. L.-3033.**—The following draft of further amendments to the Workmen's Compensation Rules, 1924, which the Governor-General in Council proposes to make in exercise of the powers conferred by section 32 of the Workmen's Compensation Act, 1923 (VIII of 1923), is published, as required by section 34 of the said Act, for the information of persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 24th December 1933. Any objection or suggestion which may be received in respect of the draft before the date specified will be considered by the Governor-General in Council.

DRAFT.

1. In the proviso to Rule 8 (1) after the word "application" the words "other than an application by a dependant for compensation," shall be inserted.

2. In Form A appended to the Rules, paragraph 3 shall be deleted and the existing paragraphs 4 and 5 shall be renumbered as 3 and 4, respectively.

3. In Form G appended to the Rules, the entry numbered (7) shall be omitted.

A. G. CLOW,
Joint Secretary to the Government of India.

PUBLIC WORKS BRANCH.

The 21st September 1933.

**No. E.-10.**—Mirza Mohammad Ismail whose appointment to the Indian Service of Engineers in the Irrigation Branch of the Public Works Department, Punjab, as an Assistant Executive Engineer on probation was announced in this Department's notification No. E.-22, dated the 27th July 1931, is confirmed in his appointment.

J. A. SHILLIDY,
Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, SEPTEMBER 30, 1933.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

Simla, the 26th September 1933.

**No. 2351-G.**—The services of Sardar Sahib Sardar Sudarshan Singh Vaghalia, Deputy Superintendent of Police, Punjab, who was appointed temporarily as Watch and Ward Officer of the Legislative Assembly, are replaced at the disposal of the Punjab Government with effect from the afternoon of the 24th September, 1933.

MD. RAFI,
Secretary to the Government of India.

## HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 25th September 1933.

**No. F. 10/11/33.**—The following Resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of section 96-B of the Government of India Act, the Secretary of State for India, with the concurrence of the majority of votes at a meeting of the Council of India held this 15th day of August, 1933, hereby makes the following amendment in the Superior Civil Services Rules, namely :—

In Table G of Schedule VII to the said Rules, for the entries relating to "Indian Ecclesiastical Establishment (Indian Church)" the following shall be substituted, namely :—

"(Indian Church).

PART I.

*Sanctioned Strength by Dioceses.*

NOTE 1.—The number of Senior and Junior Chaplains is not separately laid down. A Junior Chaplain on first appointment is on probation and is confirmed as a Junior Chaplain after two years' service, if reported fit by a Medical Board in India and considered qualified by the Bishop of his Diocese; a Junior Chaplain becomes a Senior Chaplain after 10 years' service as Junior Chaplain, excluding the period of probation.

NOTE 2.—The sanctioned strength of 126 shown in the table will be reached on the 1st April 1934. Meanwhile, the cadre of 138 is being reduced as follows :—

During the years 1931-32 and 1932-33 .. .. .. .. 8

During the year 1933-34 .. .. .. .. .. .. 4

12

| | Calcutta. | Madras. | Bombay. | Lucknow. | Lahore. | Nagpur. | Rangoon. |
|---|---|---|---|---|---|---|---|
| Number of Senior and Junior Chaplains .. .. | 13* | 13* | 13* | 18 | 29 | 8 | 6 |
| Leave Reserve .. .. .. .. | 3 | 3 | 3 | 5 | 8 | 2 | 2 |
| Total strength .. | 16 | 16 | 16 | 23 | 37 | 10 | 8=126 |

*Including one field service post which is attached to the Diocese.

PART II.

*Classification of Posts.*

Calcutta Diocese—

1 Archdeacon of Calcutta.

1 Metropolitan's Chaplain.

11 Senior and Junior Chaplains (including one field service post).

Madras Diocese—

1 Archdeacon of Madras.

12 Senior and Junior Chaplains (including one field service post).

Bombay Diocese—

1 Archdeacon of Bombay.

12 Senior and Junior Chaplains (including one field service post).

Lucknow Diocese—

1 Bishop of Lucknow.

17 Senior and Junior Chaplains.

Lahore Diocese—

29 Senior and Junior Chaplains.

Nagpur Diocese—

1 Bishop of Nagpur.

7 Senior and Junior Chaplains.

Rangoon Diocese—

1 Bishop of Rangoon.

5 Senior and Junior Chaplains."

**No. F. 245/33.**—The following Resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of section 96-B of the Government of India Act, the Secretary of State, with the concurrence of the majority of

votes at a meeting of the Council of India held this 15th day of August, 1933, hereby makes the following amendments in the Superior Civil Services Rules, namely :—

(a) After the proviso to rule 17 of the said Rules the following further proviso shall be inserted, namely :—

" Provided further that nothing contained in Table E in Schedule VII shall affect the operation of the Regulations for the time being in force under Rule 12 of the Devolution Rules."

(b) In Schedule VII to the said Rules after Table D relating to the Indian Forest Engineering Service the following Table shall be inserted namely :—

' E. Indian Medical Service (Civil).'

PART I.

*Sanctioned Strength.*

| — | Government of India. | Madras. | Bombay. | Bengal. | United Provinces. | Punjab. | Burma. | Bihar and Orissa. | Central Provinces. | Assam. |
|---|---|---|---|---|---|---|---|---|---|---|
| Number of posts for ordinary duties .. | 53 | 23 | 21 | 22 | 24 | 21 | 30 | 17 | 9 | 7 |
| Leave and study leave reserve .. | 15 | 6 | 6 | 6 | 6 | 6 | 8 | 5 | 3 | 2 |
| Total strength of service .. | 68 | 29 | 7 | 28 | 30 | 27 | 38 | 22 | 12 | 9 |

PART II.

*Classification of Posts.*

GOVERNMENT OF INDIA.

*(Department of Education, Health and Lands and Home Department.)*

1 Director General, Indian Medical Service.

1 Deputy Director General, Indian Medical Service.

1 Assistant Director General, Indian Medical Service.

1 Imperial Serologist.

1 Chief Medical Officer, Delhi.

1 Civil Surgeon, Simla (West).

1 Civil Surgeon, Simla (East), and Civil Surgeon, New Delhi (these two posts are seasonal appointments and are tenable by one Officer).

1 Civil Surgeon, Coorg.

1 Health Officer, Simla.

1 Assistant Director of Public Health, Delhi.

15 Medical Research Department appointments.

1 Senior Medical Officer, Port Blair.

1 Public Health Commissioner with the Government of India.

27

*(Foreign and Political Department.)*

1 Residency Surgeon and Chief Medical Officer, Baluchistan.

1 Civil Surgeon, Quetta.

1 Civil Surgeon, Sibi.

1 Agency Surgeon, Bundelkhand.

1 Chief Medical Officer, Central India and Residency Surgeon, Indore.

1 Residency Surgeon, Hyderabad.

1 Residency Surgeon, Kashmir (Seasonal appointment from 1st April to 31st October).

1 Agency Surgeon, Gilgit.

1 Residency Surgeon, Bangalore.

1 Legation Surgeon, Nepal.
1 Medical Officer, Sistan.
1 Inspector General of Civil Hospitals, North-West Frontier Province.
6 Civil Surgeons, North-West Frontier Province.
1 Civil Surgeon, Bannu.
1 Assistant Director of Public Health, North-West Frontier Province.
1 Superintendent, Peshawar Jail and Medical Officer, Frontier Constabulary Outposts.
1 Residency Surgeon, Bushire.
1 Civil Surgeon, Ajmer and Chief Medical Officer, Rajputana.
1 Residency Surgeon, Mewar.
1 Legation Surgeon, Kabul.
1 Chief Medical Officer in the Western India States Agency and Residency Surgeon, Rajkot.

26

LOCAL GOVERNMENT.

*Punjab.*

1 Inspector General of Prisons.
3 Superintendents of Central Jails.
1 Superintendent, Borstal Institute.
1 Assistant Director of Public Health.
2 Professors, Medical College, Lahore.
1 Superintendent, Mental Hospital, Lahore.
1 Professor of Surgery, Medical College, Lahore.
11 Civil Surgeons, Lahore, Amritsar, Multan, Rawalpindi, Ferozepore, Lyallpore, Jhelum, Dera Ghazi Khan, Ambala, Jullundur and Shahpur (Sargodha).

21

The 27th September 1933.

**No. F. 386/33.**—In exercise of the powers conferred by sub-rule (2) of rule 33, by rule 37 and by rule 44 of the Civil Services (Classification, Control and Appeal) Rules, the Governor General in Council is pleased to make the following amendment in the Revised Rates of Pay Rules, namely :—

In rule 4 of the said rules for the word "drawn" the word "earned" shall be substituted.

M. G. HALLETT,

Secretary to the Government of India.

JUDICIAL.

The 27th September 1933.

**No. F. 254/33.**—In pursuance of proviso (*i*) to sub-section (2) of section 101 of the Government of India Act, the Governor General in Council is pleased to appoint Mr. M. V. Bhide, I.C.S., to act as an Additional Judge of the High Court of Judicature at Lahore for a period of two years with effect from the forenoon of the 2nd October 1933.

**No. F. 254/33-I.**—In pursuance of proviso (*i*) to sub-section (2) of section 101 of the Government of India Act, the Governor General in Council is pleased to appoint Mr. M. M. L. Currie, I.C.S., to act as an Additional Judge of the High Court of Judicature at Lahore from the 2nd October 1933 to the 31st March 1935, both days inclusive.

**No. F. 254/33-II.**—In pursuance of sub-section (6) of section 12 of the Sikh Gurdwaras Act, 1925 (Punjab Act VIII of 1925), the Governor General in Council is pleased to appoint Mr. M. M. L. Currie, I.C.S., who has been appointed an Additional Judge of the High Court of Judicature at Lahore, to be the President of the Sikh Gurdwaras Tribunal constituted under sub-section (1) of that section, from the 2nd October 1933 to the 31st March 1935, both days inclusive.

**No. F. 254/33-III.**—In pursuance of proviso i) to sub-section (2) of section 101 of the Government of India Act, the Governor General in Council is pleased to appoint Mr. Abdul Rashid, Barrister-at-Law, to act as an Additional Judge of the High Court of Judicature at Lahore from the forenoon of the 2nd October 1933 to the commencement of the High Court's vacation in 1934.

**No. F. 254/33-IV.**—In pursuance of proviso (i) to sub-section (2) of section 101 of the Government of India Act, the Governor General in Council is pleased to appoint Rai Bahadur Lala Rangi Lal to act as an Additional Judge of the High Court of Judicature at Lahore, for a period of six months with effect from the forenoon of the 2nd October 1933.

T. SLOAN,

Joint Secretary to the Government of India.

## FINANCE DEPARTMENT.

NOTIFICATION.

Simla, the 27th September 1933.

**No. F. 2-XI-R. II/33.**—The following Resolution by the Secretary of State for India in Council is published for general information :—

"In exercise of the powers conferred by sub-section 2 of Section 96-B of the Government of India Act, the Secretary of State for India with the concurrence of the majority of votes at a meeting of the Council of India held this 29th day of August 1933, hereby makes the following amendments in the Civil Service Regulations, namely :—

(i) In Article 349-A of the said Regulations, for the entry 'The Police Department—Imperial Service Officers and Deputy Superintendents,' the following shall be substituted : 'The Police Department—officers of the Indian Police, and Deputy Superintendents ;'

(ii) In Article 353-A of the said Regulations, for the words 'The Imperial Police Service' the words 'The Indian Police' shall be substituted."

A. A. L. PARSONS,

Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

HEALTH.

Simla, the 26th September 1933.

**No. F. 52-60/33.**—In exercise of the powers conferred by section 3 of the Indian Medical Degrees Act, 1916 (VII of 1916) the Governor General in Council is pleased to authorise, with effect from the 11th December, 1920, the University of Lucknow to confer, grant or issue in British India, degrees, diplomas, licenses, certificates or other documents, stating or implying that the holder, grantee or recipient thereof is qualified to practise western medical science.

RAM CHANDRA,

Joint Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Simla, the 27th September 1933.

**No. M.-1099.**—The following draft of a further amendment to the Indian Explosives Rules, 1914, which it is proposed to make in exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), is published as required by section 18 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or

after the 1st November 1933. Any objection or suggestion which may be received in respect of the draft before the date specified will be considered by the Governor-General in Council.

DRAFT AMENDMENT.

After the word ' Moulmein ' in proviso (1) to rule 12 of the said Rules the words " and Chinese crackers into the port of Cuddalore " shall be added.

A. G. CLOW,

Joint Secy. to the Govt. of India.

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POSTS AND TELEGRAPHS BRANCH.

The 25th September 1933.

**No. T.-348/33**—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Indian Telegraph Rules, 1932, namely :—

In rule 31 of the said Rules after the words " the telegraph office of destination " the following shall be inserted, namely :—

" provided that in the case of Weather telegrams containing observations the address may contain only a single word designating the name of the telegraph office of destination."

The 27th September 1933.

**No. 169-F.M./31**—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that, with effect from the 1st October 1933, the following further amendments shall be made in the Indian Post Office Rules, 1933, namely :—

(*i*) In rule 6 of the said Rules—

(*a*) In the *Schedule of Air Mail fees* after item (xvii) the following item shall be inserted, namely :—

" (xviii) India-Greece-Germany .. 8 "

(*b*) For Note 1 the following Note shall be substituted, namely :—

"*Note 1.*—The combined rate of air fee and postage on a postcard for transmission by air from India by any of the routes mentioned above (with the exception of India-Kenya and Uganda, India-Tanganyika, India-Rhodesia, India-South Africa and India-Greece-Germany) is 4 annas. The combined rate on a postcard by the route India-Greece-Germany is 5 annas. The rate of air fee, in addition to postage, on a postcard for transmission by air from India by the routes India-Kenya and Uganda, India-Tanganyika, India-Rhodesia and India-South Africa is the same as on a half-ounce letter for transmission by the respective routes mentioned in the schedule above."

(*ii*) In rule 56 of the said Rules, for the words and figures " the Notes to rule 2 " and " the Note to rule 6 " the words and figures " rule 2 " and " rule 6 " shall be substituted respectively.

J. A. SHILLIDY,

Secy. to the Govt. of India.

**Registered No. L. 864.**

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, OCTOBER 13, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA" SIMLA, SATURDAY, OCTOBER 7, 1933.

### HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 5th October 1933.

**No. F. 28/26/33.**—The following Resolutions by the Secretary of State for India in Council are published for general information :—

*Resolution I.*

In exercise of the powers conferred by Section 1 of the Indian Pay (Temporary Abatements) Act, 1931, the Secretary of State for India with the concurrence of a majority of votes at a meeting of the Council of India held this 12th day of September 1933, hereby makes the following amendments in the Civil Services Protected Personnel (Temporary Abatement of Pay) Direction, 1931, namely :—

In clause (*a*) of paragraph (2) of the said Direction—

1. In sub-clause (i) (*b*) after the word, figures, brackets and letter "Article 38 (*c*) " the following shall be inserted, namely :—

" other than allowances equal to half average salary drawn under Article 190 B (a)."

2. In sub-clause (ii) after the words "Fundamental Rules" the following shall be inserted, namely :—

" other than pay equal to half average pay drawn under rule 107 (b) (ii) ."

And the said Direction shall have effect and shall be deemed always to have had effect as if it had been given as now amended.

*Resolution II.*

In exercise of the powers conferred by sub-section (2) of Section 96B of the Government of India Act, the Secretary of State for India, with the concurrence of a majority of votes at a meeting of the Council of India held this 12th day of September 1933, hereby makes the following amendments in the Superior Civil Services (Emergency Reduction of Pay) Rules, 1931, namely :—

In clause (*a*) of rule 2 of the said Rules—

1. In sub-clause (i) (*b*) after the word, figures, brackets and letter " Article 38 (*c*) " the following shall be inserted, namely :—

" other than allowances equal to half average salary drawn under Article 190B (a) ."

2. In sub-clause (iii) after the words " Fundamental Rules " the following shall be inserted, namely :—

" other than pay equal to half average pay drawn under rule 107 (b) (ii)."

And the said Rules shall have effect and shall be deemed always to have had effect as if they had been enacted as so amended.

*Resolution III.*

In exercise of the powers conferred by sub-section (2) of Section 96B of the Government of India Act, the Secretary of State for India with the concurrence of a majority of votes at a meeting of the Council of India held this 12th day of September 1933, hereby makes the following amendments in the Civil Services (Emergency Deducations from pay) Rules, 1931, namely :—

In clause (*a*) of rule 2 of the said Rules—

1. In sub-clause (*i*) (*b*) after the word, figures, brackets and letter " Article 38 (*c*) " the following shall be inserted, namely :—

" other than allowances equal to half average salary drawn under Article 190B (a) ."

2. In sub-clause (*ii*) after the words " Fundamental Rules " the following shall be inserted, namely :—

" other than pay equal to half average pay drawn under rule 107 (b) (ii)."

And the said Rules shall have effect and shall be deemed always to have had effect as if they had been enacted as so amended.

*Resolution IV.*

In exercise of the powers conferred by section 1 of Indian Pay (Temporary Abatements) Acts, 1931 and 1933, the Secretary of State for India with the concurrence of the majority of votes at a meeting of the Council of India held this 12th day of September 1933, hereby makes the following amendments in the Civil Services Protected Personnel (Temporary Abatement of Pay) Direction 1933, namely :—

In clause (*a*) of paragraph 2 of the said Direction—

1. In sub-clause (*i*) (*b*) after the word, figures, brackets and letter " Article 38 (*c*) " the following shall be inserted, namely :—

" other than allowances equal to half average salary drawn under Article 190-B. (a) ."

2. In sub-clause (*ii*) after the words " Fundamental Rules " the following shall be inserted, namely :—

" other than pay equal to half average pay drawn under rule 107 (b) (ii). "

And the said Direction shall have effect and shall be deemed always to have had effect as if it had been given as now amended.

*Resolution V.*

In exercise of the powers conferred by sub-section (2) of section 96B of the Government of India Act, the Secretary of State for India with the concurrence of a majority of votes at a meeting of the Council of India held this 12th day of September 1933, hereby makes the following amendments in the Superior Civil Services (Emergency Reduction of Pay) Rules, 1933, namely :—

In clause (*a*) of rule 2 of the said Rules—

1. In sub-clause (*i*) (*b*) after the word, figures, brackets and letter " Article 38 (*c*) " the following shall be inserted, namely :—

" other than allowances equal to half average salary drawn under Article 190B (a)."

2. In sub-clause (*iii*) a ter the words " Fundamental Rules " the following shall be inserted, namely :—

" other than pay equal to half average pay drawn under rule 107 (b) (ii)."

And the said Rules shall have effect and shall be deemed always to have had effect as if they had been enacted as so amended.

*Resolution VI.*

In exercise of the powers conferred by sub-section (2) of section 96B of the Government of India Act, the Secretary of State for India with the concurrence of a majority of votes at a meeting of the Council of India held this 12th day of September, 1933, hereby makes the following amendments in the Civil Services (Emergency Deductions from Pay) Rules, 1933, namely :—

In clause (*a*) of rule 2 of the said Rules—

1. In sub-clause (*i*) (*b*) after the word, figures, barckets and letter " Article 38 (*c*) " the following shall be inserted, namely :—

" other than allowances equal to half average salary drawn under Article 190B (a)."

2. In sub-clause (*ii*) after the words " Fundamental Rules " the following shall be inserted, namely :—

" other than pay equal to half average pay drawn under rule 107 (b) (ii)."

And the said Rules shall have effect and shall be deemed always to have had effect as if they had been enacted as so amended.

M. G. HALLETT,

Secretary to the Government of India.

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JAILS.

The 3rd October 1933.

**No. F.-33/16/33.**— The services of Major M. Fazl-ud-Din, O.B.E., I.M.S., are placed permanently at the disposal of the Government of the Punjab with effect from the 12th September 1930, for employment in the Punjab Jail Department.

T. SLOAN,

Joint Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

EDUCATION.

Simla, the 4th October 1933.

**No. F. 34-1/32.**—Sir George Anderson, Kt., C.S.I., C.I.E., is appointed Educational Commissioner with the Government of India for a period of 18 months with effect from the 1st October 1933.

**No. F. 34-1/32.**—The services of Mr. J. Leitch Wilson, M.A., are replaced at the disposal of the Government of the Punjab, with effect from the after noon of the 30th September 1933.

G. S. BAJPAI,

Secretary to the Government of India.

1076 CS—798—13-10-33—SGPP Lahore

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

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LAHORE, FRIDAY, NOVEMBER 3, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, OCTOBER 21, 1933.

### HOME DEPARTMENT.

NOTIFICATION.

POLICE.

New Delhi, the 19th October 1933.

**No. F.-114/XXVIII/33.**—His Excellency the Viceroy and Governor-General of India has been pleased to confer the Indian Police Medal on the following officer :—

| Name of officer and rank. | Statement of services for which the decoration has been conferred. |
|---|---|
| | Delhi. |
| Amir Chand, Head Constable | On three separate occasions this Head Constable has been instrumental in effecting the arrest of well known absconders from justice. Two of them were dangerous revolutionaries and were wanted respectively in connection with the Delhi and Lahore conspiracy cases, while the third was wanted for a political dacoity in Meerut. In each case the Head Constable unhesitatingly tackled his man, heedless whether the latter was armed, brought him down and held on to him until assistance arrived. The courage and determination so consistently displayed deserve the highest praise. |

*N.-B.*—This award is made for gallantry under regulation d (i) of the regulations governing the grant of the Indian Police Medal and consequently carries with it the special allowance for officers of and below the rank of Inspector of Police.

M. G. HALLETT,

Secretary to the Government of India.



PGG

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATIONS.

GENERAL.

New Delhi, the 17th October 1933.

**No. F.-16-1/33-G.**—In exercise of the powers conferred by sub-section (1) of section 213 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), and in supersession of the rules published with the notifications of the Government of India in the Home Department, No. 190 (Sanitary), dated the 14th October, 1910, and in the Department of Education, Health and Lands, Nos. 406-H. (G.), dated the 5th March, 1931, 1276-H. (G.), dated the 16th July, 1931, and F.-34/32-G., dated the 11th January, 1933, the Governor-General in Council is pleased to make the following rules, the same having been previously published as required by sub-section (3) of the said section, namely :—

1. These rules may be called the Indian Pilgrim Ships Rules, 1933.

2. In these rules, unless there is anything repugnant in the subject or context,—

(1) "Act" means the Indian Merchant Shipping Act, 1923 (XXI of 1923);

(2) "Approved" means approved by the Governor-General in Council ;

(3) "Buoyant Apparatus" means buoyant deck seats or buoyant deck chairs or any other buoyant apparatus excepting boats, life-buoys or life-jackets ;

(4) "Compartment" means a space between decks other than a cabin ;

(5) "Form" means a form appended to these rules ;

(6) "Inspector" means the officer appointed by the Governor-General in Council for the purposes of sub-section (1) of section 151 and, except in rule 3, includes a person authorised by such officer under section 152;

(7) "Length" in connection with a ship means the registered length of the ship ;

(8) "Section" means a section of the Act ;

(9) "Special boat-deck" means any deck on which boats are carried and of which the space required for the stowage of boats under rule 22 occupies half or more of the length of such deck ;

(10) "Surveyor" means a Surveyor appointed under section 129.

3. On receiving the notice required by section 151, the Inspector shall himself proceed to inspect, or shall give a written authority to some competent person to inspect on his behalf, the ship, her provisions, medical stores, equipment, ventilation, fittings and the like, and the Inspector or person authorised shall satisfy himself that the ship, her provisions, medical stores, equipment, ventilation, fittings and the like fulfil all the requirements imposed by the Act or these rules.

4. The certificates "A" and "B" required under sections 154 and 155 shall be given in Forms I and II respectively and the supplementary certificate B, required under section 198 shall be in Form III.

5. No certificate under section 155 shall be granted between May 20th and September 20th in any year in respect of a ship of a tonnage of less than 500 registered tons, or which is not capable of steaming at least eight knots in ordinary monsoon weather; nor shall such certificate be given at any time unless all the arrangements required by these rules have been made to the entire satisfaction of the Inspector.

6. The Inspector shall see that in all cases where the number of pilgrims exceeds 100, the medical officer of the ship is present at the official inspection and that such medical officer has had an opportunity of satisfying himself as to the completeness of the arrangements made for the accommodation and care of the pilgrims under these rules ; and shall require such medical officer to furnish a certificate in Form IV countersigned by the master of the ship and to sign the second of the certificates prescribed by rule 112.

*Boats and appliances for saving life.*

7. **(1) (a)** Every pilgrim ship which carries more than 12 berthed passengers shall be provided in accordance with her length with the number of sets of davits specified in column A of the table in rule 37.

Davits.

(b) Every pilgrim ship which carries 12 berthed passengers or less shall be provided in accordance with her length with the number of sets of davits specified in column C of the table in rule 37 :

Provided that no pilgrim ship shall be required to have a number of sets of davits greater than the number of life-boats required to accommodate the total number of persons the ship is certified to carry on the voyage on which she is proceeding :

Provided further that the Governor-General in Council may, where it appears to him necessary, having regard to the height at which boats are carried above the load line and to other circumstances of the case, require a pilgrim ship to carry in lieu of, or in addition to, davits some other approved form of launching apparatus or such arrangements for launching boats as may be, in his opinion, effective.

(2) Each set of davits shall have a life-boat of Class I attached to it and at least one of the life-boats shall be a motor boat.

(3) If the life-boats attached to the davits do not provide :—

(a) accommodation for all the persons the ship is certified to carry,

(b) the minimum capacity specified in column D of the table in rule 37,

whichever is less, additional life-boats of Class I or Class II shall be placed on board to make up the deficiency, and the stowage of the additional boats shall be approved by the Governor-General in Council :

Provided that no ship shall be required to carry life-boats of an aggregate capacity greater than is required to accommodate the total number of persons the ship is certified to carry on the voyage on which she is proceeding.

Buoyant apparatus.

8. If the life-boats carried do not provide sufficient accommodation for the total number of persons which is carried or which the ship is certified to carry on the voyage on which she is proceeding, whichever number is the greater, approved buoyant apparatus shall be carried sufficient for those persons for whom accommodation is not provided in life-boats.

9. If the master or owner of a pilgrim ship claims to carry on any voyage fewer life-boats and approved buoyant apparatus than will provide sufficient accommodation for all the persons for which the ship is certified, he shall declare before the Principal Officer, Mercantile Marine Department, before the time of clearance, that the life-boats and approved buoyant apparatus actually carried will be sufficient to accommodate all the persons who will be carried at any time during the voyage. If the aggregate capacity of the life-boats which he claims to carry on the voyage is less than the minimum capacity specified in column D of the table in rule 37, the master or owner shall declare that the life-boats alone will be sufficient to accommodate all the persons who will be carried at any time during the voyage.

Life-buoys.

10. Every pilgrim ship shall carry life-buoys of a type approved by the Governor-General in Council in accordance with the following scale :—

| *Length of ship in feet.* | *Minimum number of life-buoys.* | *Length of ship in feet.* | *Minimum number of life-buoys.* |
|---|---|---|---|
| Under 200' .. | 6, of which not less than 2 shall be provided with self-igniting lights. | 300' and under 400' | 10, of which not less than 6 shall be provided with self-igniting lights. |
| 200' and under 300' | 8, of which not less than 4 shall be provided with self-igniting lights. | 400' and over .. | 12, of which not less than 6 shall be provided with self-igniting lights. |

Life-buoys lights.

11. (1) Life-buoy lights shall be self-igniting, shall be provided with a means of attachment to life-buoys, and shall release and open automatically.

(2) Ships fitted with bridges shall carry a life-buoy with a self-igniting light attached to it at each side of the navigating bridge in beckets or cleats in such a manner as to admit of instantaneous release and to ensure their dropping clear of the ship's side.

Other life-buoy lights required under these rules shall be distributed, attached to life-buoys, to the Surveyor's satisfaction.

(3) All life-buoy lights required under these rules shall be capable of burning in water for at least 40 minutes. Lights fitted with prickers for opening shall not be accepted.

Life-jackets.

12. One approved life-jacket shall be carried for each person on board.

Powers to accept alternatives.

13. The Governor-General in Council may, in general or in any particular case, accept any life-saving appliance or arrangement in lieu of a life-saving appliance or arrangement required by these rules subject to such conditions as he may impose.

Classification of life-boats.

14. For the purposes of these rules life-boats are arranged in the following classes :—

CLASS 1.

A.—*Open life-boats with internal buoyancy only.*

The buoyancy of a wooden boat of this type shall be provided by watertight air-cases, the total volume of which shall be at least equal to one-tenth of the cubic capacity of the boat.

In the case of a metal boat an addition shall be made to the cubic capacity of the airtight compartments, so as to give it buoyancy equal to that of the wooden boat.

B.—*Open life-boats with internal and external buoyancy.*

The internal buoyancy of a wooden boat of this type shall be provided by watertight air-cases, the total volume of which shall be at least equal to seven and a half per cent. of the cubic capacity of the boat.

If the external buoyancy is of cork, its volume, for a wooden boat, shall not be less than thirty-three thousands of the cubic capacity of the boat; if of any material other than cork, its volume and distribution shall be such that the buoyancy and stability of the boat are not less than that of a similar boat provided with external buoyancy of cork.

In the case of a metal boat an addition shall be made to the cubic capacity of the airtight compartments, so as to give buoyancy equal to that of the wooden boat.

C.—*Pontoon life-boats having a well deck and fixed watertight bulwarks.*

The area of the well deck of a boat of this type shall be at least thirty per cent. of the total deck area. The height of the well deck above the water-line at all points shall be at least equal to one-half per cent. of the length of the boat, this height rising to one and a half per cent. of the length of the boat at the ends of the well.

The freeboard of a boat of this type shall be such as to provide for a reserve buoyancy of at least thirty-five per cent.

CLASS 2.

A.—*Open life-boats having the upper part of the side collapsible.*

A boat of this type shall be fitted both with watertight air-cases and with external buoyancy, the volume of which, for each person which the boat s able to accommodate, shall be at least equal to the following amounts :—

| | Cubic feet. |
|---|---|
| Air-cases .. .. .. .. | 1·5 |
| External buoyancy (if of cork) .. .. .. .. | 0·2 |

The minimum freeboard of boats of this type is fixed in relation to their length; it shall be measured vertically to the top of the solid hull at the side amidships from the water-level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts :—

| Length of the boat in feet. | Minimum freeboard in inches. |
|---|---|
| 26 | 8 |
| 28 | 9 |
| 30 | 10 |

The freeboard of boats of intermediate lengths shall be found by interpolation.

B.—*Pontoon life-boats having a well deck and collapsible bulwarks.*

All the conditions laid down for boats of Class 1C shall be applied to boats of this type, which differ from those of Class 1C only in regard to the bulwarks.

C.—*Pontoon life-boats having a flush deck and collapsible bulwarks.*

The minimum freeboard of boats of this type is independent of their length and depends only upon their depth. The depth of the boat shall be measured vertically from the underside of the garboard strake to the top of the deck at the side amidships and the freeboard shall be measured from the top of the deck at the side amidships to the water-level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts, which are applicable without correction to boats having a mean sheer equal to three per cent. of their length :—

| Depth of boat in inches. | Minimum freeboard in inches. |
|---|---|
| 12 | $2\frac{3}{4}$ |
| 18 | $3\frac{3}{4}$ |
| 24 | $5\frac{1}{8}$ |
| 30 | $6\frac{1}{2}$ |

For intermediate depths the freeboard shall be obtained by interpolation.

If the sheer is less than the standard sheer defined above, the minimum freeboard shall be obtained by adding to the figures in the table one-seventh of the difference between the standard sheer and the actual mean sheer measured at the stem and stern post ; no deduction shall be made from the freeboard on account of the sheer being greater than the standard sheer or on account of the camber of the deck.

The collapsible sides or bulwarks of Class II boats shall be watertight.

Motor boats.

15. (1) A motor boat carried as part of the statutory life-saving appliances of a pilgrim ship, shall comply with the following conditions :—

(*a*) It shall comply with the requirements for a life-boat of Class 1, and proper appliances shall be provided for putting it into the water speedily.

(*b*) It shall be adequately provided with fuel and kept so as to be at all times ready for use.

(*c*) It shall be fitted with an approved wireless telegraphy apparatus and a search-light.

(*d*) The motor and its accessories shall be suitably enclosed to ensure operation under adverse weather conditions and provision shall be made for going astern.

(*e*) The speed shall be at least 6 knots when fully loaded in smooth water.

(2) In fixing the volume of the internal buoyancy, and, where fitted, the external buoyancy, regard shall be had to the difference between the weight of the motor and wireless telegraphy installation and their accessories and the weight of the additional persons which the boat could accommodate if these were removed.

Construction of life-boats.

16. (1) All boats shall be properly constructed, and shall be of such form and proportion that they shall have ample stability in a seaway, and sufficient freeboard when loaded with their full complement of persons and equipment. They shall be fitted and arranged to the satisfaction of the Governor General in Council.

(2) The structural strength of the boats shall be to the satisfaction of the Governor-General in Council. In the case of pilgrim ships, launched on or after the 1st June, 1935,

the strength shall be sufficient to permit of the boats being safely lowered into the water with the full complement of persons and equipment on board.

Seating accommodation.

(3) In all open boats, all thwart and side seats shall be fitted as low in the boat as practical, and shall provide seating accommodation for all persons the boat is deemed fit to carry and bottom boards shall be fitted so that the thwarts shall not be more than 2 feet 9 inches above them.

Buoyancy.

(4) Internal buoyancy apparatus shall be constructed of copper or yellow metal of not less than 18 ounces to the superficial foot, or of other durable material, and in open boats of Class 1 may be placed along the sides or at the ends of the boat, but not in the bottom of the boat. External buoyancy apparatus may be of cork or of any other equally efficient approved material; the use of rushes, cork shavings, loose granulated cork, or any other loose granulated substance, and the use of apparatus dependent upon inflation by air is prohibited.

Sheer.

(5) Open life-boats of Class 1 shall have a mean sheer at least equal to four per cent. of their length.

Pontoon life-boat.

(6) Pontoon life-boats may be built of wood or metal. If constructed of wood, they shall have the bottom and deck made of two thicknesses with textile material between; if of metal, they shall be divided into watertight compartments with means of access to each compartment and shall be provided with at least two bilge pumps.

(7) All pontoon life-boats shall be fitted with efficient means for quickly clearing the deck of water. The orifices for this purpose shall be such that the water cannot enter the boat through them when they are intermittently submerged. The number and size of the orifices shall be determined by the Governor-General in Council for each type of boat by a special test.

For the purpose of this test :—

(*a*) The pontoon boat shall be loaded with a weight of iron equal to that of its complement of persons and equipment.

(*b*) In the case of a boat 28 feet in length, two tons of water shall be cleared from the boat in a time not exceeding the following :—

| | |
|---|---|
| Class 1C .. .. .. .. | 60 seconds. |
| Class 2B .. .. .. .. | 60 seconds. |
| Class 2C .. .. .. .. | 20 seconds. |

In the case of a boat having a length greater or less than 28 feet the weight of water to be cleared in the same time shall be for each type directly proportional to the length of the boat.

(8) No boat shall be accepted as a life-boat the buoyancy of which depends upon the previous adjustment of one of the principal parts of the hull.

(9) All boats shall be fitted for the use of a steering oar.

Marking of life-boats.

(10) All boats shall be permanently marked to the satisfaction of the Governor-General in Council in such a way as to indicate plainly their dimensions and the number of persons for which they are approved. Boats that have been properly marked need not be re-measured, unless there is reason to believe that the marks have been tampered with or are otherwise defective or improper.

(11) No boat may be approved the weight of which, when fully laden with persons and equipment, exceeds 20 tons and boats certified to carry 100 persons or more shall be motor boats.

Number of persons.

17. (1) The number of persons which a life-boat shall be deemed fit to carry shall be equal to the greatest whole number obtained by dividing the capacity of the boat in cubic feet, or the surface of the boat in square feet, as the case may be (calculated as provided by rules 18 and 19), by the standard unit of capacity, or unit of surface, defined below.

(2) The cubic capacity in feet of a boat in which the number of persons is determined by the surface shall be assumed to be the ten times the number of persons which the boat is authorised to carry.

(3) The standard units of capacity and surface are as follows :—

| Units of capacity. | Cubic feet. |
|---|---|
| Class 1A .. .. .. .. | 10 |
| Class 1B .. .. .. .. | 9 |

| Units of surface. | Square feet. |
|---|---|
| Class 2A .. .. .. .. | 3 |
| Class 2C .. .. .. .. | 3 |
| Class 1C .. .. .. .. | $3\frac{1}{4}$ |
| Class 2B .. .. .. .. | $3\frac{1}{4}$ |

(4) The Governor-General in Council may accept a smaller divisor for pontoon boats of Class 1C and Class 2B, if he is satisfied after trial that the number of persons for whom there is seating accommodation in the boat in question is greater than the number obtained by applying the above divisor provided always that the divisor adopted in place of $3\frac{1}{4}$ shall never be less than 3.

(5) The number of persons obtained by the above rules shall be reduced :—

(*i*) If it is greater than the number of persons for which there is proper seating accommodation, the latter number being determined in such a way that the persons when seated do not interfere in any way with the use of the oars, or

(*ii*) if, in the case of boats other than open boats of Class 1, the freeboard when the boat is fully loaded is less than the freeboard required by these rules.

Test afloat.

(6) If the Surveyor is doubtful as to the number of persons any boat is fit to carry he may require the boat to be tested afloat with the intended number of persons on board.

(7) The Surveyor may limit the number of persons to be allowed in boats with very fine ends and in boats very full in form.

Children.

(8) Two children under the age of twelve years may be carried in place of one adult person.

Cubic capacity of open boats of Class 1.

18. (1) In the case of an open boat of Class 1 the cubic capacity shall be determined by the following formula :—

$$\text{Capacity} = \frac{l}{12}(4A+2B+4C)$$

$l$ denotes the *length* of the boat in feet from inside of the planking or plating at the stem to the corresponding point at the stern post ; in the case of a boat with a square stern the length is measured to the inside of the transom.

$A, B, C$ denote respectively the *areas of the cross-sections* at the quarter length forward amidships, and the quarter length aft, which correspond to the three points obtained by dividing $l$ into four equal parts (the areas corresponding to the two ends of the boat are considered negligible).

The areas, $A, B, C$ shall be deemed to be given in square feet by the successive application of the following formula to each of the three cross-sections :—

$$\text{Area} = \frac{h}{12}(a+4b+2c+4d+e)$$

$h$ denotes the *depth* measured in feet inside the planking or plating from the keel to the level of the gunwale, or, in certain cases, to a lower level, as determined hereafter.

$a, b, c, d, e$ denote the ***horizontal breadths*** of the boat measured in feet to the inside of the planking at the upper and lower points of the depth and at the three points obtained by dividing $h$ into four equal parts ($a$ and $e$ being the breadths at the extreme points, and $c$ at the middle point, of $h$).

(2) If the sheer of the gunwale, measured at the two points situated at a quarter of the length of the boat from the ends, exceeds 1 per cent. of the length of the boat, the depth employed in calculating the area of the cross-sections $A$ or $C$ shall be deemed to be the depth amidships *plus* 1 per cent. of the length of the boat.

(3) If the depth of the boat amidships exceeds 45 per cent. of the breadth, the depth employed in calculating the area of the midship cross-section $B$ shall be deemed to be equal to 45 per cent. of the breadth, and the depth employed in calculating the areas of the quarter length sections $A$ and $C$ shall be obtained by increasing this last figure by an amount equal to 1 per cent. of the length of the boat, provided that in no case shall the depths employed in the calculation exceed the actual depths at these points.

(4) If the depth of the boat is greater than 4 feet, the number of persons given by the application of these rules shall be reduced in proportion to the ratio of 4 feet to the actual depth, until the boat has been tested afloat with that number of persons on board all wearing life-jackets, and the test has proved satisfactory.

(5) The cubic capacity of a boat may be assumed to be the product of the length, the breadth and the depth multiplied by 0·6 in cases where it is clear that this formula does not give a greater capacity than that obtained by the above method. The dimensions shall then be measured in the following manner :—

*Length.*—From the intersection of the outside of the planking with the stem to the corresponding point at the stern post or, in the case of a square sterned boat, to the after side of the transom.

*Breadth.*—From the outside of the planking at the point where the breadth of the boat is greatest.

*Depth.*—Amidships inside the planking from the keel to the level of the gunwale, but the depth used in calculating the cubic capacity may not in any case exceed 45 per cent. of the breadth.

In all cases the ship-owner shall have the right to require that the cubic capacity of the boat shall be determined by exact measurement.

(6) If the oars are pulled in rowlocks, the bottom of the rowlocks shall be considered as the gunwale in measuring the depth of the boat.

Cubic capacity of motor boats.

(7) The cubic capacity of a motor boat shall be obtained from the gross capacity by deducting a volume equal to that occupied by the motor and wireless telegraphy installation and their accessories.

Deck area and capacity of pontoon boats and of open boats of Class 2.

19. In the case of pontoon boats and of open boats of Class 2 the surface in square feet shall be determined by the following formula :—

$$\text{Area} = \frac{l}{\phantom{0}} (2a + 1{\cdot}5b + 4c + 1{\cdot}5d \times 2e)$$

$l$ denotes the *length* in feet from the intersection of the outside of the planking with the stem to the corresponding point at the stern post.

$a, b, c, d, e$ denote the *horizontal breadths* in feet outside the planking at the points obtained by dividing $l$ into four equal parts and sub-dividing the foremost and aftermost parts into two equal parts ($a$ and $e$ being the breadths at the extreme sub-division, $c$ at the middle point of the length and $b$ and $d$ at the intermediate points).

Size of boats.

20. No boat carried in compliance with these rules shall have a capacity of less than 125 cubic feet.

Weight of persons.

21. In the tests prescribed by these rules for determining the number of persons which a boat can accommodate each person shall be assumed to be an adult person wearing a life-jacket.

In verifications of freeboard the pontoon boats shall be loaded with a weight of at least 165 lbs. for each adult person that the pontoon boat is authorised to carry.

Appliances for lowering boats.

22. (1) The davits shall be of approved form and shall be suitably placed to the satisfaction of the Governor General in Council. They shall be fitted on one or more of the decks in such positions that the boats can be efficiently lowered from them, and shall be so spaced and placed that the boats can be swung out with facility. Davits shall not be fitted in the bows of a ship, but they may be fitted in any other position in the ship, provided that the boats are not brought into dangerous proximity to a propeller at the time of launching.

(2) The davits, falls, blocks, and all other gear required for lowering the boats, shall be of sufficient strength to the satisfaction of the Governor-General in Council. In the case of pilgrim ships launched on or after the 1st June, 1935, they shall be of such strength that the boats can be lowered safely with the full complement of persons and equipment, the ship being assumed to have a list of 15 degrees.

(3) In the case of pilgrim ships launched on or after the 1st June, 1935, the davits shall be fitted with gear of sufficient power to ensure that the boats can be turned out against the maximum list under which the lowering of the boats is possible or the davits shall be of the quadrant or other such type as will ensure the above condition being fulfilled.

(4) The boat's falls shall be long enough to lower the boat into the water with safety when the vessel is light with a list of 15 degrees. Life-lines shall be fitted to the davit spans, and shall be long enough to reach the water when the vessel is light with a list of 15 degrees. Hooks shall not be attached to the lower tackle blocks.

(5) Means shall be provided for speedily, but not necessarily simultaneously or automatically, detaching the boats from the falls; the boats placed under davits shall be attached to the falls and kept ready for service; the points of attachment of the boats to the falls shall be sufficiently away from the ends of the boats to ensure their being easily swung clear of the davits; the boats' chocks shall be of such construction and arrangements as shall be satisfactory to the Governor-General in Council.

(6) Where more than one boat is served by the same set of davits, if the falls are of rope, separate falls shall be provided to serve each boat but where wire falls are used with mechanical appliances for recovering them, separate falls need not be provided.

The appliances used shall be such as to ensure lowering the boats rapidly in turn.

Where a mechanical appliance is fitted for the recovery of falls efficient hand gear shall also be provided.

(7) The Governor-General in Council may accept in lieu of davits or sets of davits any other appliance, appliances or arrangements, which appear to him at least as effective as davits for placing the boats in the water.

Buoyant apparatus.

23. Approved buoyant apparatus, whether buoyant deck seats, buoyant deck chairs or other buoyant apparatus, shall be deemed sufficient, so far as buoyancy is concerned, for a person or number of persons to be ascertained by dividing the number of pounds of iron which it is capable of supporting in fresh water by 32, and if the apparatus depends for its buoyancy on air shall not require to be inflated before use.

The number of persons to be supported shall be limited to the number of feet in the perimeter of the apparatus.

Such approved buoyant apparatus shall comply with the following conditions:—

(1) It shall be of approved material and construction.

(2) It shall be reversible and shall be effective and stable when floating either way up.

(3) It shall be of such size, strength and weight that it can be handled without mechanical appliances and, if necessary, can be thrown from the vessel's deck on which it is stowed.

(4) The air-cases or equivalent buoyancy shall be placed as near as possible to the sides of the apparatus.

(5) It shall be marked in such a way as plainly to indicate that it is buoyant and the number of persons for which it is approved.

Stowing of boats, rafts, etc.

24. (1) All boats attached to davits and all boats stowed under boats attached to davits shall be stowed in such a way that—

(a) they can be safely launched in the shortest possible time;

(b) they will not impede in any way the prompt handling of any other of the lifeboats attached to davits or stowed under boats attached to davits or the buoyant apparatus carried under Rule 8 or the marshalling of the persons on board at the launching stations, or their embarkation;

(c) even under conditions of list and trim unfavourable from the point of view of the handling of the boats as large a number of persons as possible can be embarked in them ;

(d) except as hereinafter provided, they shall be so stowed as not to require lifting before being launched and so secured that they will have the best chance of floating free from the ship in case there is no time to launch them.

(2) With regard to the stowage of other additional lifeboats and buoyant apparatus the following provisions shall apply :—

(a) They shall not impede in any way the prompt handling of the lifeboats attached to davits or the additional boats stowed under boats attached to davits or the buoyant apparatus or the marshalling of the persons on board at the launching stations or their embarkation ;

(b) the lifeboats may be stowed one above the other, or they may, subject to such conditions as the Governor-General in Council may impose, be fitted one within another, but where boats so fitted require lifting before being launched, they shall only be permitted, if attached to davits operated by mechanical power appliances ;

(c) the lifeboats may be stowed in rows across a deck, bridge or poop ;

(d) as large a number of the boats as possible shall be capable of being launched on either side of the ship, either by means of approved appliances for transferring them from one side of the deck to the other, or by stowing in rows across the deck, or by some other equally satisfactory means ;

(e) means shall be provided to the satisfaction of the Governor-General in Council for lowering the lifeboats into the water in the shortest possible time ;

(3) Where a boat is stowed underneath another boat there shall be provided approved removable supports or other approved appliances, so as to secure that the weight of a boat is not unduly supported by the boat underneath it ;

(4) Boats may only be stowed on more than one deck on condition that proper measures are taken to prevent the boats from a lower deck being fouled by those from a deck above.

(5) All buoyant apparatus shall be so stowed as to be readily available in case of emergency.

Equipment for boats and buoyant apparatus.

25. (1) Every boat which is carried by any pilgrim ship shall be equipped as follows :—

(a) With the full single banked complement of oars and two spare oars, and a steering oar.

(b) With two plugs for each plug hole, attached with lanyards or chains, and one set and a half of thole pins or crutches, attached to the boat by sound lanyards. Plugs shall not be required where proper automatic valves are fitted.

(c) With a sea anchor, a bailer, a galvanised iron bucket, a rudder and a tiller, or yoke, and yoke lines, a painter of sufficient length, and a boat-hook The rudder, the bailer, and the bucket shall be attached to the boat by sufficiently long lanyards, and kept ready for use.

(d) With a vessel or vessels capable of holding one quart for each person that the boat is deemed fit to carry. Each such vessel shall be kept filled with fresh water, and provided with a dipper with lanyard.

(e) With two hatchets, one to be kept in each end of the boat, and to be attached to the boat by a lanyard.

(f) With a line securely becketted round the outside of the boat.

(g) With an efficient lantern trimmed, with oil, in its receiver sufficient to burn eight hours ; or with some other lantern or light at least as effective, approved by the Governor-General in Council.

(2) In addition to the equipment prescribed in sub-rule (1), the boats shall be equipped with :—

(a) A mast or masts, and at least one good sail and proper gear for each ; but this does not apply to an approved motor boat.

(b) An efficient compass.

(c) An airtight case containing two pounds of biscuits for each person fo whom the boat is approved.

(d) One gallon of vegetable or animal oil, and a vessel of approved pattern for distributing it on the water in rough weather. This vessel shall be capable of being attached to the sea anchor.

(e) One dozen self-igniting red lights in a watertight tin, and a box of suitable matches in a watertight tin.

(f) 1 lb. of condensed milk for each person the boat is certified to carry.

(3) All buoyant apparatus carried by a pilgrim ship shall be equipped as follows :—

(a) With two paddles and one boathook or two paddles and boathooks combined attached to the buoyant apparatus by lanyards.

(b) A painter of sufficient length.

(c) A line securely becketted round the outside of the apparatus.

(d) A self-igniting light and two signal flares of approved pattern, the self-igniting light to be attached to the buoyant apparatus by lanyards of suitable length :

Provided that on buoyant apparatus, designed to support less than twenty-five persons the paddles, boathook, light and flares need not be carried.

(4) All boats and buoyant apparatus shall be fully equipped before the ship leaves harbour and the equipment shall remain in the boat or buoyant apparatus throughout the voyage while the ship is at sea or shall be stowed in some convenient place where it will be immediately available in case of emergency.

(5) A motor boat need not carry a mast or sail or more than half the complement of oars but shall be provided with two boathooks.

Side ladders.

26. In every pilgrim ship approved rope ladders shall be provided at each set of davits. Such ladders shall be of sufficient length to reach the water line at the vessel's lightest sea going draft allowing for a list of 15 degrees and shall be carried in such a manner as to be always available for use in embarking the persons in the boats.

Illumination.

27. On all pilgrim ships in which the boat deck is more than 30 feet above the water, provision shall be made for the illumination from the ship of the life-boats when along side and in process of or immediately after being launched.

Life-jackets.

28. An approved life-jacket shall mean a jacket of approved material and construction, which is capable of floating in fresh water for 24 hours with 16½ lbs. of iron suspended from it, or any other approved appliance of equal buoyancy and capable of being fitted on the body. It shall be reversible and suitable both for adults and children. Life-jackets, the buoyancy of which depends on air compartments, are prohibited.

Life-buoys.

29. (1) (a) An approved life-buoy shall be of solid cork or other equivalent material. It shall be capable of floating in fresh water for at least 24 hours with 32 lbs. of iron suspended from it.

(b) Life-buoys filled with rushes, cork shavings, granulated cork or any other loose granulated material, or whose buoyancy depends upon air compartments requiring inflation, are prohibited.

(2) All life-buoys shall be fitted with beckets securely seized, and and at least one on each side of the ship shall be fitted with a life-line at least 15 fathoms in length.

Position of life-buoys and life-jackets.

30. All life-buoys and life-jackets shall be suitably placed to the satisfaction of the Surveyor and so as to be readily accessible to all persons on board and their position shall be plainly indicated so that it may be known to those for whom they are intended.

Lifebuoys shall always be capable of being rapidly cast loose and shall not be rigidly secured in any way.

Life-jackets may be stored either in battens over the passenger decks or in boxes under the charge of serangs as well as in the buoyant seats when these are used. The contents of the boxes shall be clearly painted on them and illustrated notices in the vernacular shall be posted up in different parts of the ship explaining to passengers where to find life-jackets and how to use them. In addition, their use shall be demonstrated by the crew both during boat drills and periodically at other times.

Exemptions.

31. (1) Any lifeboat which forms part of the equipment of a pilgrim ship that was launched before the 1st June, 1933 and which has been inspected and approved by the Governor-General in Council before that date, may be accepted as equivalent to a lifeboat so long as it remains in good condition.

(2) Lifeboats which were ordered before the 1st June, 1933 in order to complete the equipment of a ship, but which were not delivered in time to be inspected by the Governor-General in Council before that date, may be accepted as equivalent to lifeboats so long as they remain in good condition :

Provided that such lifeboats shall not be so accepted, unless—

(*a*) they have been inspected, where this has not already been done ;

(*b*) they would have complied with the requirements of the rules in force prior to the 1st June 1933.

32. (1) When it appears to the Governor-General in Council, on the application of the owner of a pilgrim ship carrying more than 12 berthed passengers, that it is not practicable or reasonable to fit in that ship the number of sets of davits required by these rules, he may authorise under exceptional circumstances a smaller number of sets of davits provided that the number carried shall not be less than the minimum fixed in column B of the table in rule 37 and that the capacity of the lifeboats carried is at least up to the minimum capacity specified in column D of the table.

The owner of such a ship shall be required to satisfy the Surveyor by a practical test in his presence that all the boats carried can be launched in reasonable time, the number of hands employed in the operation not exceeding the total number of boat hands that will be carried on board under normal service conditions and each boat having, when lowered, at least two men on board and its full equipment.

(2) If it appears to the Governor-General in Council, on the application of the owner of any pilgrim ship that it is not practicable or reasonable in a particular case to require that pontoon lifeboats, made before the 1st June, 1935, and carried on ships of which the keels were laid on or before that date, shall have the minimum freeboard specified in these rules or the bottom and deck made in two thicknesses with textile material between, the Governor-General in Council may in his discretion dispense with full compliance with the rules in these respects subject to such conditions, if any, as the Governor-General in Council may impose.

Drill.

33. (1) In all ships to which these rules apply, a boat drill and a water-tight door drill shall be held as soon as possible after leaving the original port of departure and thereafter once a week during the voyage when practicable, at which a number of the male passengers (*e.g.*, the single men) when this is practicable shall be mustered apart from the others in a convenient place whence they can be readily requisitioned to assist in swinging out boats or rounding up falls, etc., if required. Such drills shall be recorded in the official log book.

(2) The Surveyor shall be satisfied, in each case before the ship leaves port, that a routine has been devised and communicated to each officer of the ship for securing an efficient working of the boats. In all cases a police system shall be organised to the satisfaction of the Surveyor so as to secure obedience to orders and proper control and guidance of all on board in times of emergency.

(3) In carrying out the boat and watertight door drills the crew will, when practicable, drill in their life-jackets and arrangements shall be made, when possible, for passengers to see the crew putting their life-jackets on. Entries in the official log book shall state whether and when this has been done.

Emergency boat.

34. In all pilgrim ships which are required under these rules to carry two or more boats, an emergency boat shall be carried slung out and ready for action whilst the ship is at sea.

Boat-decks.

35. Special boat-decks shall be kept entirely clear of passengers, and in the case of shade-decks, bridge-decks and poop-decks, which are utilized for carrying passengers as well as boats, a space sufficient for the working of the boats shall be railed off ; and where boats, stowed on

a shade, bridge or poop-deck occupy half or more of the total breadth of the deck, the whole of the space abreast the boats shall be railed off and treated as a special boat-deck.

Stowage.

36. The stowage of boats and buoyant apparatus in any pilgrim ship shall not be passed by the Surveyor as complying with these rules unless he is satisfied that every part of the life saving equipment is readily available.

Sets of davits and aggregate capacity of lifeboats.

37. The following table fixes* according to the length of ship the minimum number of sets of davits to be provided in pilgrim ships and the minimum aggregate capacity of the lifeboats carried on board in accordance with these rules :—

TABLE.

| Registered Length of the ship in feet. | Number of sets of davits. | | | Minimum aggregate capacity of lifeboats in cubic feet. |
|---|---|---|---|---|
| | A. | B. | C. | D. |
| 100 and under 120 .. | 2 | 2 | 2 | 400 |
| 120 " 140 .. | 2 | 2 | 2 | 525 |
| 140 " 160 .. | 2 | 2 | 2 | 762 |
| 160 " 175 .. | 3 | 2 | 2 | 975 |
| 175 " 190 | 3 | 2 | 2 | 1,1[illegible]2 |
| 190 " 205 .. | 4 | 4 | 4 | 1,350 |
| 205 " 220 .. | 4 | 4 | 4 | 1,625 |
| 220 " 230 .. | 5 | 4 | 4 | 1,8[illegible]3 |
| 230 " 245 .. | 5 | 4 | 4 | 2,050 |
| 245 " 255 .. | 6 | 4 | 4 | 2.300 |
| 255 " 270 .. | 6 | 4 | 4 | 2,530 |
| 270 " 285 .. | 7 | 4 | 4 | 3,[illegible]25 |
| 285 " 300 .. | 7 | 6 | 6 | 3,550 |
| 300 " 315 .. | 8 | 6 | 6 | 4,1[illegible]5 |
| 315 " 330 .. | 8 | 6 | 6 | 4,625 |
| 330 " 350 .. | 9 | 6 | 6 | 5,125 |
| 350 " 370 .. | 9 | 6 | 6 | 5,500 |
| 370 " 390 .. | 10 | 6 | 6 | 5,875 |
| 390 " 410 .. | 10 | 8 | 8 | 6,375 |
| 410 " 435 .. | 12 | 8 | 8 | 6,875 |
| 435 " 460 .. | 12 | 10 | 8 | 7,[illegible]00 |
| 460 " 490 .. | 14 | 10 | 8 | 8,180 |
| 490 " 520 .. | 14 | 10 | 10 | 8,875 |
| 520 " 550 .. | 16 | 10 | 10 | 9,500 |
| 550 " 580 .. | 16 | 12 | 12 | .. |
| 580 " 610 .. | 18 | 12 | 12 | .. |
| 610 " 640 .. | 18 | 12 | 12 | .. |
| 640 " 670 .. | 20 | 14 | 14 | .. |
| 670 " 700 .. | 20 | 14 | 14 | .. |

38. Notwithstanding anything contained in rules 7 to 37, when a ship has at any time before the 1st June, 1933, obtained certificate A in the form required under section 154, for a pilgrim ship, the arrangements on such ship shall be considered by the Governor-General in Council on the first occasion after the 1st June, 1933, on which application is made for another such certificate and the Governor-General in Council shall thereupon require such improvements, if any, as are in his opinion practicable and reasonable to be made not later than the first day of June, 1935, and, subject to the making of the said improvements by the said date, the ship shall be exempt from any of the provisions of these rules which would necessitate the making of improvements in excess of those which the Governor-General in Council has required to be made.

*Instruments for purposes of navigation.*

39. Every pilgrim ship shall be provided with—

(*a*) not less than three good ship's compasses and with a record of the deviation of her compasses on every point, entered in the log-book ;

(*b*) Admiralty or Indian Government charts and sailing directions suitable for the voyage she is about to undertake ;

(*c*) not less than two chronometers and not less than two sextants or quadrants and barometers, one of the latter being a mercurial barometer ;

(*d*) a deep-sea leadline and lead.

*NOTE.—The number of sets of davits and the boat capacities of ships not provided for in the Table shall be prescribed by the Governor-General in Council.

*Fire extinguishing appliances.*

Spaces occupied by passengers and crew.

40. (1) On every ship of more than 4,000 tons gross tonnage, at least three, and on every other ship at least two, steam or equivalent pumps shall be available for the spaces occupied by passengers and crew : provided that more than two pumps shall not be required on ships whose keels were laid before the 1st September, 1931. Each such pump shall be capable of providing a full supply of water, in accordance with the requirements specified in sub-rule (1) of rule 43, to one or more ranges of water service pipes. The service pipes shall be of metal, with branches so arranged that the fire hoses may be coupled thereto, and two powerful jets of water may be rapidly and simultaneously brought to bear, by means of single lengths of hose from each branch, upon any part of each deck space occupied by passengers or crew, when the watertight and fire doors are closed. Where the water service is on an exposed deck, the branches necessary to comply with the foregoing requirements shall, in the case of vessels whose keels are laid after the 1st September, 1931, be fitted on both sides of the deck.

Provided that in the case of vessels whose keels were laid before the 1st September, 1931, the main engine sanitary pump shall be allowed to count as one of the pumps required to be available if it is so fitted as to be capable of serving the purpose of such pump.

(2) Every ship shall carry an efficient portable hand pump with suction and hose complete.

(3) Portable chemical fire extinguishers of an approved pattern shall be carried in every compartment wherein passengers and crew are accommodated. There shall be two extinguishers in each such compartment, and when passengers are carried in enclosed spaces above the upper deck, there shall be at least one extinguisher on each side of such spaces at intervals of not more than 60 feet.

Cargo spaces.

41. On every ship arrangements shall be made whereby two powerful jets of water may be rapidly and simultaneously directed into any cargo compartment, and, save in the case of a ship of less than 1,000 tons gross tonnage, satisfactory means shall also be provided whereby steam or other gas incapable of supporting combustion may be conveyed to each such compartment.

Machinery and bunker spaces.

42. (1) Arrangements shall be made in ships which use coal as fuel whereby two powerful jets of water can be rapidly and simultaneously directed into any part of the coal bunker spaces, boiler rooms and machinery spaces.

(2) In ships in which the main boilers are oil fired the following additional arrangements shall be made :—

(*a*) The fire hoses in the machinery spaces shall be provided with additional conductors suitable for spraying water on oil without undue disturbance of the surface.

(*b*) In each firing space there shall be placed a receptacle containing 10 cubic feet of sand, sawdust impregnated with soda, or other approved dry material ; and scoops for distributing the same.

(*c*) In each boiler room, and in each of the machinery spaces in which a part of the oil fuel installation is situated, there shall be provided two approved portable chemical extinguishers of a type discharging froth or other approved medium suitable for quenching oil fires.

(*d*) Means shall be provided whereby froth may be rapidly discharged and distributed over the whole of the lower parts of any boiler room, or of any machinery space in which oil fuel units or settling tanks may be situated. The quantity of froth which can be discharged should be amply sufficient to cover up to a depth of 6 inches the whole area of the plating formed in any one compartment by the inner bottom plating, or by the shell plating of the vessel if there is no double bottom tank. If the engine and boiler rooms are not entirely separate, and fuel oil can drain from the boiler room bilges into the engine room, the combined engine and boiler rooms shall be treated as one compartment. Provided that if other effective means are available for combating fire and the apparatus can be controlled from outside the compartment in which fire may occur, the Governor-General in Council may exempt from the requirements of this clause ships whose keels were laid before the 1st September, 1931 on which it would not be reasonable to require the fitting of large froth installations.

(e) There shall further be provided one extinguisher of at least 30 gallons capacity in ships having one boiler room, and two such extinguishers in ships with more than one boiler room. These extinguishers shall be provided with hoses on reels suitable for reaching any part of the boiler rooms and spaces containing oil fuel pumping units : Provided that the Governor-General in Council may permit the fitting of any other equally efficient apparatus in place of the 30 gallons extinguisher.

(f) All containers and valves by which they are operated shall be easily accessible and so placed that they will not readily be cut off from use in case of fire.

Pumps.

43. (1) In all ships each of the steam or equivalent pumps shall be capable of supplying simultaneously two powerful jets of water for use in any part of the vessel. The pumps shall be worked by steam or by some other equally efficient motive power, and shall always be available for immediate use at all reasonable times when the vessel is in commission.

(2) All steam or equivalent pumps shall be provided with effective escape valves suitably adjusted and so placed as to prevent excessive pressure in any part of the water service system.

Water service pipes.

44. The main water service pipes shall be made of wrought material, and, if of iron or steel, shall, in the case of vessels whose keels are laid after the 1st September, 1931, be galvanised. They shall be sufficiently large in diameter for the adequate supply of water to the fire hoses which shall be secured to them for simultaneous operation. The branches shall be so placed that the fire hoses may be conveniently coupled to them, and cocks or valves shall be fitted where required to admit of any hose being removed, if desired, while the pumps are at work.

Fire Hoses.

45. (1) The fire hoses shall be of leather, seamless hemp, flax canvas of first class quality, or other approved material. They shall be provided with suitable metal unions and conductors, and with gooseneck connections where necessary.

(2) A sufficient number of fire hoses with attachments and conductors shall be suitably distributed about different decks in the ship so as to be readily available for rapid use in any space occupied by passengers or crew, and not less than three hoses and attachments shall be provided in any vessel.

(3) The fire hoses and the conductors, and other apparatus referred to in sub-rules (1) and (2), together with coupling wrenches if required, shall be kept ready for use in conspicuous positions near the water service hydrants or connections. They shall be used only for the purposes of extinguishing fires or for testing the fire extinguishing apparatus at fire drills and surveys, and not for washing decks.

Arrangements for injecting steam or other gas into Cargo Spaces and Boiler Rooms.

46. Where provision is made for the injection of steam or other gas into the cargo spaces and boiler rooms for fire extinguishing purposes, the necessary pipes for conveying the steam or gas to holds or other compartments shall be provided with controlling valves or cocks readily accessible from the deck and so marked as to indicate clearly the compartments to which the pipes are respectively led. Suitable provision shall be made for locking these valves or cocks so as to prevent inadvertent admission of the steam or gas to any compartment. If any pipe is led to a space to which passengers have access, it shall be furnished with an additional stop valve or cock also capable of being locked. Provided that the Governor-General in Council may permit the substitution of any other equally efficient safety device giving the requisite security from danger.

Fluid Fire Extinguishers.

47. (1) A sufficient number of approved portable fluid fire extinguishers discharging water shall be provided in accordance with the requirements of rules 40 and 42. For ordinary purposes not specifically referred to in these rules, the capacity of portable extinguishers shall be not more than three imperial gallons, and not less than two imperial gallons, provided the Governor-General in Council may, in his discretion, permit the use of an extinguisher of less than two gallons capacity in special circumstances.

(2) An approved type of portable extinguisher discharging a medium other than water may in the case of not more than 20 per cent. of the total number of extinguishers required to be carried be substituted for the ordinary water-discharging extinguisher.

(3) The portable hand fluid fire extinguishers (apart from those supplied in boiler rooms, etc., specially for use in connection with oil fuel) shall not be of more than two types in any one ship.

(4) All extinguishers, whether portable or otherwise, shall be placed in positions where they are readily accessible.

Smoke Helmets and Safety Lamps.

48. At least two smoke helmets and two safety lamps of approved types shall be included in the fire extinguishing equipment of every vessel and the helmets shall be stowed separately. The members of the crew shall be practised regularly in their use.

Emergency Appliances.

49. The necessary emergency fire appliances such as knives, axes, and crowbars, shall be kept in a place readily accessible at all times from different parts of the ship.

Fire Drill.

50. Fire drill shall be observed at least once a week on board all vessels and during such drill all fire appliances shall be put into use and the fact entered in the Log Book. The great utility of woollen or asbestos blankets for smothering small fires shall always be impressed on all persons taking part in a fire drill.

Custody of fire apparatus and fire petrol.

51. (1) The fire apparatus shall be placed by the master under the special charge of one of the principal officers of the ship and of the ship's carpenter, who shall both be held responsible that the apparatus is kept in a state fit for immediate use. As soon as possible after leaving port, the officers and crew shall be divided into parties and assigned to stations in case of fire.

(2) A continuous patrol system shall be organised so that any outbreak of fire may be promptly detected.

Stowage of cargo and disposal of inflammables.

52. (1) The cargo of every ship, shall, before she leaves port, be properly stowed away, and the decks shall be cleared of any loose straw, hay and other inflammable material. Any goods which are dangerous by reason of their inflammability or liability to explosion shall be stowed, subject to the provisions of any law or rules in force, in such manner as to safeguard the ship from danger of fire or explosion. The tanks of motor cars carried on the ship shall be drained before loading.

(2) Before a ship leaves port, every passenger shall deliver up any lucifer matches, gun-powder or other inflammable article in his possession.

Use of naked lights and spirits.

53. Naked lights shall not be used in the holds or store rooms or between-decks, except under trustworthy superintendence. No person shall read in bed with a naked light. Casks or drums containing spirit shall not be opened in the hold but shall be hoisted on neck for the purpose.

Smoking.

54. Smoking in the between-decks shall be strictly prohibited.

Relaxation of rules.

55. In the case of a small vessel under 200 feet in length when it is shown to be unreasonable to require full compliance with any of the provisions of these rules, such relaxation shall be granted as the Governor-General in Council may, having regard to all the circumstances of the case, direct.

*Means for making signals of distress.*

Signals of distress.

56. Any of the following commonly recognised night signals of distress may be used either together or separately :—

(1) A gun or other explosive signal fired at intervals of about a minute.

(2) Flames on the vessel (as from a burning tar or oil barrel).

(3) Rockets or shells, throwing stars of any colour or description, fired one at a time at short intervals.

(4) A continuous sounding with any fog signal apparatus.

(5) The international distress signal made by radiotelegraphy or radiotelephony or by any other distance signalling method.

Means of making signals of distress to be provided.

57. All ships shall be provided with the means of making signals of distress at night specified in rules 58 to 60 or, in lieu thereof, with such other means of making signals of distress as have been previously approved.

Gun.

58. (1) One gun at least $3\frac{1}{2}$ inches in the bore, or one mortar at least $5\frac{1}{2}$ inches in the bore, shall be carried on all ships, with 24 charges of ammunition in the case of foreign-going ships, and 12 charges in the case of home-trade ships.

(2) Each charge shall contain 16 ozs. of powder in a flannel bag. The necessary requisites for firing the gun, *namely*, rammers, sponges, wads, priming wires, friction tubes, powder flask, with fine powder for priming and means for firing and withdrawing the charges, shall also be provided.

(3) Approved socket distress signals and sound signal rockets may be carried in lieu of a gun, provided that the number of signals so carried shall be equal to the number of charges of ammunition required under sub-rule (1).

Deck flares.

59. Two deck flares, self-igniting in water, shall be provided in every ship. Such deck flares shall be capable of burning brightly for at least 40 minutes. Full instructions for use shall be attached to each flare, and suitable receptacles for containing the water required for their combustion shall be provided, efficient means being adopted for ensuring free flow of water to the bottom of the light.

Rockets and socket signals.

60. (1) Twelve rocket or shells, throwings tars of any colour or description, shall be supplied, each rocket containing 16 ozs. of composition.

(2) Approved socket distress signals may be supplied in lieu of rockets, provided that the number of signals so supplied shall be equal to the number of rockets required under sub-rule (1). If socket signals are also carried in lieu of a gun and charges of ammunition, the number shall be equal to the total number of charges of ammunition and of rockets required under sub-rule (1) of rule 58 and sub-rule (1) of this rule. Socket signals shall be fired only from the sockets supplied by the makers of the signals.

(3) The socket used for firing the socket signals shall in all cases be fixed at an angle which shall approximate as closely as possible to, but shall not be less than 20 degrees from the perpendicular, so as to obviate the risk of a signal falling on the vessel's deck if it fails to rise to the usual height. The sockets shall be of sufficient strength, and of such a gauge as to ensure that the signal will rise to a safe height before exploding.

(4) In all cases where socket signals are carried there shall be at least two sockets one forward and one aft, on opposite sides of the vessel.

Testing and renewal of signals.

61. All pyrotechnic signals shall be clearly and permanently marked or stamped with the date of manufacture. Adhesive labels or painted figures alone shall not be accepted in lieu of such marking or stamping. Where sheet brass labels are used in contact with tin cases, the brass plates shall be properly soldered on and there shall be no corrosion of the canister.

Stowage of signals and combustibles.

62. (1) A separate, detached and completely enclosed receptacle shall be provided for *each* of the following kinds of explosives :—

(1) gun powder or cartridges made therewith ;

(2) rockets ;

(3) socket signals ;

(4) deck flares and lifebuoy lights ;

(5) any other description of pyrotechnic signals.

(2) Such separate receptacles shall not be made merely by divisions or partitions in a cupboard or locker or chest, but each such receptacle shall be a separate magazine, exclusively appropriated to the keeping of explosives of the kind in question. Charges of powder, if carried, shall be contained in flannel bags, and the magazine in which they are kept shall be made of copper and strongly constructed. To prevent injury to the rockets and other signals, the receptacles shall either be internally divided in such a way that the signals can be stowed vertically, or they shall be of roughly the same length as the signals, but sufficiently narrow to prevent the signals being turned round. The lids shall be secured by hinges or brass screws so as to permit of an inspection being made without injury to the case. The receptacles shall, where possible, be kept in a house on deck, and stowed or ranged as far apart as circumstances will permit, so that

in the event of spontaneous combustion, or of risk of any sort arising any of the cases may be at once removed. Where the socket signals are supplied by the manufacturer in wooden boxes with a tin box inside containing the friction tubes, no other receptacle shall be required for the latter.

(3) No article of an explosive or highly inflammable character shall be carried in any room or place in which any receptacle containing distress signals is deposited.

63. In the case of a small vessel under 200 feet in length when it is shown to be unreasonable to require full compliance with any of the provisions of these rules, such relaxation shall be granted as the Govenor General in Council may, having regard to all the circumstances of the case, direct.

*Fittings and other appliances to be provided on the upper deck and in between-decks.*

64. (1) The Inspector shall see that sufficient ventilators are provided for the between-decks to give each pilgrim (*a*) in the upper between-deck 5 square inches, and (*b*) in the lower between-deck 10 square inches of ventilation area exclusive of hatches and side scuttles, and that the ventilators are so placed as to afford an equable diffusion of air through all parts. The ventilators of the lower between-deck must act separately from those of the upper between-deck and, if pilgrims are carried on a deck below the lower between-deck, such lower between-deck shall be ventilated by an approved mechanical system. Mechanical ventilation may be accepted in place of natural ventilation but in all cases where it is proposed to fit mechanical ventilation, full details of the arrangement with drawings shall be submitted for the approval of the Governor-General in Council.

(2) No pilgrim shall be accommodated on any deck lower than the first between-deck which is below the water-line.

65. Such provision shall be made for affording light to the between-decks by means of side scuttles as the circumstances of the case may, in the judgment of the Inspector, require. The pilgrims shall have the free and unimpeded use of the whole of every hatchway situated over the space appropriated to their use and each hatchway shall be covered by such substantial gratings as shall, in the opinion of the Inspector, afford the greatest obtainable amount of light and air. Whenever such hatchway is used as a companion way to the between-decks, there shall be erected over it a booby hatch to the satisfaction of the Inspector.

66. (1) Every pilgrim ship shall be lighted with efficient lighting by electricity to the satisfaction of the Inspector and shall carry at least six electric torches of a pattern approved by the Inspector to be utilised under the orders of the master of the ship for the purpose of providing illumination in the compartments occupied by pilgrims in the event of a failure of the main lighting arrangements.

(2) In every new ship there shall be two electric generators, one of which shall be situated above the bulkhead deck.

(3) For the purposes of sub-rule (2) a new ship means a ship whose keel is laid after the expiry of two years from the date on which these rules come into force or which has not been certified to carry pilgrims during a period of two years prior to that date.

67. Efficient wind-scoops shall be provided for at least 5 per cent. of the opening scuttles on decks on which pilgrims are accommodated, at least two being provided in each separate compartment, and they shall be placed in position whenever weather conditions permit.

68. The number of pilgrims to be accommodated in any separate compartment shall be conspicuously marked on the bulkheads of such compartment in English and Urdu characters in the case of a ship sailing from Bombay or Karachi and in English and Bengali characters in the case of a ship sailing from Calcutta.

69. The space to be occupied by pilgrims in any compartment shall be clearly demarcated by lines so as to divide it into small blocks capable of accommodating in accordance with the requirements of sub-section (1) of section 193 or of any order issued by the Governor-General in Council under the said sub-section, pilgrims in batches of 5, 8, 10, 12 or other numbers not exceeding 12. The number of pilgrims which every such block is capable of accommodating shall be marked in that block in English and Urdu in the case of a ship sailing from Bombay or Karachi and in English and Bengali in the case of a ship sailing from Calcutta.

70. On the upper deck as well as in every compartment in the between-decks to be occupied by pilgrims, there shall be provided an alley-way at least $1\frac{1}{2}$ feet in width. Every such alley-way shall be clearly demarcated by lines.

71. In every compartment allocated for the accommodation of pilgrims and occupying the full breadth of the ship there shall be fitted along the ship's side sleeping boards for the use of the pilgrims of sufficient strength to the satisfaction of the Inspector.

The sleeping boards shall be so arranged as to provide, so far as practicable, a continuous shelf 6 feet in width along the ship's side at a height of 3 feet 6 inches above the deck. The boards may be made in convenient sizes, and may be portable and capable of being folded against the ship's side or of being removed when not required for the use of pilgrims.

72. The upper-deck of every pilgrim ship shall be either of wood, or of iron or steel sheathed with wood and caulked.

73. Each hatchway (*a*) shall be provided with an awning or a large tarpaulin tent which shall in bad weather be spread well over the hatchway and securely fastened so as to keep out rain and let in fresh air, and in fine weather shall be rolled up and put out of the way ; and (*b*) except where arrangements exist for lowering the derrick boom in a way which will serve the purpose, shall also be fitted with a strong iron or wooden A-shaped frame for the support of such tent.

74. Every pilgrim ship shall have poop, quarter deck, waist and forecastle awnings complete and in good order, and six windsails distributed as the Inspector may direct. The awning and windsails shall be kept up so long as the weather does not render this impossible.

75. Strong ladders 2½ feet wide with hand rails of a convenient height shall be provided for every hatchway used as such and not merely as a ventilator ; and, as additional means of support for women and children, knotted handropes shall be fastened conveniently near the ladders.

76. The space to be occupied by pilgrims shall be kept clear from obstruction of any kind whatever and thoroughly clean and dry ; nothing shall be slung up or stowed away between the beams. Every day while the pilgrims are on deck the between-decks shall be carefully cleaned and scrubbed with dry sand mixed with suitable disinfectants.

77. Bamboos, ropes or strong rails shall be securely fastened fore and aft to the midship stanchions on the between-deck.

78. No timber or cargo of any kind, and only the necessary fittings properly secured and live-stock for consumption on the voyage, shall be allowed on the upper-deck ; which shall, save as aforesaid, be exclusively reserved for the pilgrims.*

79. No structural alteration such as the erection of deck-houses for the accommodation of pilgrims or the cutting of decks or side-plates for ventilators, side-scuttles, etc., shall be effected in any pilgrim ship unless it is carried out with the previous permission and to the satisfaction of the Surveyor. When any such alterations have not been carried out and approved by the Surveyor at the time of the survey of the vessel under Part III of the Act, a certificate from a Principal Officer of the Mercantile Marine Department that the alterations have been made with the permission and approval of the Surveyor shall be produced for the inspection of the Inspector.

*Supply of cooked and uncooked food and water.*

80. (1) (*a*) For the purposes of the supply of food during the voyage, pilgrims shall be divided into two classes, hereinafter referred to as class A and class B respectively.

(*b*) Class A shall comprise pilgrims who desire to be supplied daily with—

(*i*) morning tea ;

(*ii*) day meal ;

(*iii*) afternoon tea ; and

(*iv*) evening or night meal.

(*c*) Class B shall comprise pilgrims who desire to be supplied daily with—

(*i*) either morning tea or afternoon tea ; and

(*ii*) either day meal or evening or night meal.

(2) Every pilgrim of class A shall be provided by the master of the ship daily throughout the voyage with food on the following scale :—

(*a*) *Morning tea*—

(*i*) One cup of tea.

(*ii*) Two biscuits or one chapati, according to the pilgrim's choice.

*Pilgrims should be encouraged to use the upper-deck as much as possible.

(b) *Day meal—*

(i) Rice or chapatis, according to the pilgrim's choice, in such quantity as the pilgrim may require.

(ii) One plate of mutton and vegetable mixed, on alternate days.

(iii) One plate of vegetable dish, with or without dry fish according to the pilgrim's choice, on days on which item (ii) above is not supplied.

(iv) Dal in such quantity as the piligrim may require.

(v) Kachumar or pickles

(c) *Afternoon tea—*

One cup of tea.

(d) *Evening or night meal—*

(i) Rice or chapati according to the piligrim's choice, in such quantity as the pilgrim may require.

(ii) One plate of vegetable dish.

(iii) Dal in such quantity as the pilgrim may require.

(iv) Kachumar or pickles.

(3) Every pilgrim of class B shall be provided by the master of the ship daily throughout the voyage with either morning tea or afternoon tea and with either day meal or evening or night meal, according to the pilgrim's choice, on the scale laid down in sub-rule (2).

(4) Every pilgrim shall, at the time of buying his ticket, inform the person who issues the ticket whether he—

(i) desires to be included in class A or class B ;

(ii) will take rice or chapati for the day meal and the evening or night meal ;

(iii) whether he will or will not have dry fish with the vegetable dish to be served on alternate days at the time of the day meal.

81. Arrangements shall be made on every pilgrim ship to make available to pilgrims, apart from the food to be supplied under sub-rules (2) and (3) of rule 80, the articles mentioned below, on payment of extra charges at the rate specified against each article :—

| *Name of article.* | *Rate.* Rs. | A. | P. | |
|---|---|---|---|---|
| Fowl (whole) with gravy | 1 | 8 | 0 | each. |
| Fowl | 0 | 7 | 6 | per plate. |
| Kofta | 0 | 3 | 0 | per plate. |
| Mutton korma | 0 | 3 | 0 | per plate. |
| Biryani | 0 | 7 | 0 | per plate. |
| Kabab Shami | 0 | 0 | 9 | each. |
| Sardines | 0 | 3 | 9 | per tin. |
| Egg (boiled) | 0 | 1 | 6 | each. |
| Egg (fried) | 0 | 2 | 3 | each. |
| Khichri pulao | 0 | 4 | 6 | per plate. |
| Curry and rice | 0 | 7 | 0 | per plate. |
| Rice | 0 | 1 | 6 | per plate. |
| Paratha | 0 | 3 | 0 | each. |
| Chapati (without ghee) | 0 | 0 | 9 | each. |
| Leavened bread | 0 | 0 | 9 | each. |
| Biscuits | 0 | 0 | 9 | for two. |
| Halwa or Pudding | 0 | 3 | 0 | per plate. |
| Sweetmeats | 0 | 6 | 0 | per plate. |
| Dal | 0 | 1 | 3 | per plate. |

| *Name of article.* | Rs. | A. | P. | *Rate.* |
|---|---|---|---|---|
| Tea (without milk) .. .. .. | 0 | 0 | 9 | per cup. |
| Tea (with milk) .. .. .. | 0 | 1 | 0 | per cup. |
| Coffee (with milk) .. .. .. | 0 | 2 | 0 | per cup. |
| Soda water .. .. .. | 0 | 1 | 6 | per bottle. |
| Lemonade and other aerated water (sweet) .. | 0 | 2 | 3 | per bottle. |
| Lemon squash .. .. .. | 0 | 2 | 0 | per tumbler. |
| Syrup (lemon) .. .. .. | 0 | 1 | 6 | per tumbler. |
| Syrup .. .. .. | 0 | 12 | 0 | per bottle. |
| Butter .. .. .. | 0 | 12 | 0 | per tin. |
| Ghee .. .. .. | 0 | 12 | 0 | per pound. |
| Jam .. .. .. | 0 | 6 | 0 | per tin. |
| Pine apple .. .. .. | 0 | 6 | 0 | per tin. |
| Condensed milk (Anglo-Swiss) .. .. | 0 | 12 | 0 | per tin. |
| Condensed milk (Cow's head) .. .. | 0 | 4 | 6 | per tin. |
| Sugar .. .. .. | 0 | 2 | 3 | per pound. |
| Chutney .. .. .. | 0 | 12 | 0 | per bottle. |
| Oranges .. .. .. | 0 | 1 | 6 | each. |
| Sweet lemons .. .. .. | 0 | 1 | 6 | each. |
| Apples .. .. .. | 0 | 1 | 0 | each. |
| Plantains .. .. .. | 0 | 0 | 6 | each. |
| Hot water .. .. .. | 0 | 0 | 6 | per gallon. |

82. Any medicines or any articles of special diet for infants or invalid or sick persons brought by pilgrims for use during the voyage shall, when necessary, be cooked free of charge in the ship's kitchens.

83. Cooking on board in pilgrims' private stoves or *sigrees* shall be strictly forbidden.

84. All cooks and attendants employed on board a ship for cooking and serving the pilgrims' food shall be Muslims. The number of such cooks and attendants shall be such as the Inspector may consider necessary subject to a maximum of three per hundred pilgrims.

85. (1) All articles of food supplied to pilgrims shall be of good quality.

(2) No articles which may be objectionable according to Islamic *Shariat* shall be used in the preparation of food to be supplied to pilgrims.

86. Every pilgrim shall provide his own plates, cups and other receptacles in which food may be served to him during the voyage.

87. In the case of pilgrims travelling by the lowest class available on the ship, the food to be supplied to them under sub-rule (2) or sub-rule (3) of rule 80 shall be distributed at such hatches or other places and subject to such arrangements as the Inspector may consider suitable.

88. Articles of food to be made available to pilgrims under rule 81 shall be kept for sale at a place approved by the Inspector and marked with a signboard written in bold letters in English and Urdu in the case of a ship sailing from Bombay or Karachi and in English and Bengali in the case of a ship sailing from Calcutta announcing that articles of food can be procured there on payment. At the same place shall also be posted—

(*i*) a table in English and Urdu in the case of a ship sailing from Bombay or Karachi and in English and Bengali in the case of a ship sailing from Calcutta showing the articles of food which a pilgrim is entitled to get daily during the voyage under sub-rule (2) or sub-rule (3) of rule 80; and

(*ii*) a list in English and Urdu in the case of a ship sailing from Bombay or Karachi and in English and Bengali in the case of a ship sailing from Calcutta showing the names and prices of the articles offered for sale in accordance with rule 81 and any other articles that may also be available for sale.

89. (1) Every pilgrim ship shall have on board supplies sufficient, in the opinion of the Inspector, to ensure compliance with sub-rules (2) and (3) of rule 80 and rule 81 during the voyage.

(2) Every pilgrim ship shall, in addition to the supplies required under sub-rule (1), have on board, either as cargo or stores, food sufficient, in the opinion of the Inspector, to provide for the pilgrims in the event of an accident to the ship's machinery.

90. Each ship shall be fitted with a condenser or distilling apparatus of sufficient capacity to produce at least one and a half gallons of drinking-water a day for every person on board of whatever age, including the crew.

91. No certificate under section 155 shall be granted unless the condenser can not only supplied the minimum quantity of water prescribed under rule 90 for each person on board, but also yield every 24 hours 500 gallons of pure, cold water fit to drink.

92. The tanks for storing drinking-water on board shall not be placed near the latrines. They shall be protected from all filth, and shall be so closed that the distribution of the water can be effected only by means of "waste-not" taps fitted to the tanks. Such taps shall be in the proportion of 1 per 250 pilgrims or fraction of that number in excess of 250. Pilgrims shall be allowed to take water from the taps during four periods of two hours each as stated below, namely :—

(i) 5 A.M. to 7 A.M.,

(ii) 12 NOON to 2 P.M.,

(iii) 4 P.M. to 6 P.M., and

(iv) 8 P.M. to 10 P.M.

93. The water of any tank pronounced bad by the medical officer of the ship shall be immediately rejected and pumped out and the tank shall be cleaned out and disinfected before being re-filled.

94. If there is any doubt as to the quality of the drinking-water stored, or as to the possibility of its pollution, either at its source or in the course of the voyage, it shall be well boiled; and it shall be thrown into the sea as soon as it is possible to obtain a purer supply.

95. Every condenser or distilling apparatus shall have a separate engine for working the circulating cold-water pump, and under no circumstances shall this engine be used for any other purpose than that of feeding the boiler of the condenser.

96. Either upright or horizontal boilers may be used for condensers. Each boiler shall be furnished with a steam-gauge indexed to double the working pressure, a glass water-gauge and two separate gauge cocks, one safety-valve and two mud-hole doors for the purposes of cleaning.

97. The boilers and all machinery connected with condensers shall be properly covered in, and every wooden bulkhead in the vicinity of the boilers or condensers shall be covered with sheet lead weighing $4\frac{1}{2}$ lbs. per square foot and securely fastened to such bulkhead.

98. All the piping in connection with the condenser, especially the main suction and the condensed water discharge-pipe, unless laid in such a position that no accident can occur, shall be securely encased.

99. The Inspector shall satisfy himself by actual experiment that the condenser is capable of performing the work required of it.

100. The Chief Engineer or some other competent person, to be approved by the Inspector, shall be appointed to have charge of the distilling apparatus and machinery connected therewith during the voyage.

*Cargo.*

101. (1) No petroleum as defined in the Indian Petroleum Act, 1899 (VIII of 1899), (except such petroleum as is necessary for use as fuel for the ship during the voyage and the return voyage to India), or explosive as described in the Indian Explosives Act, 1884 (IV of 1884), nor any inflammable oils, spirits, jute, cotton, or coal (except such coal as is required for the voyage and the return voyage to India), nor any commodity likely, by reason of its quantity, quality or mode of stowage, to be prejudicial to the safety of the pilgrims, shall be carried on board any pilgrim ship.

(2) Where petroleum is carried in bulk for use as fuel for any pilgrim ship—

It shall have a flash point of not less than 150° Fahrenheit by Abel's close test and shall be carried in cellular double bottoms under engine and boiler compartments, or under ordinary holds or in peak tanks, deep tanks or bunkers of approved construction :

Provided that the oil fuel storage tanks and installations in connection therewith fully comply with the conditions described in the Instructions to Surveyors contained in the Board of Trade Circular No. 1647 (Oil Fuel Installation in Passenger Steamship), dated January 1924.

With each supply of oil taken on board a written guarantee shall be supplied by the vendor, and signed by a responsible official in his employ, of the actual close test flash point, the type of instrument by which the test was made being in every case specified. These particulars shall be entered in the engine room log.

102. No pilgrim ship calling at Aden for the embarkation or disembarkation of pilgrims or for the loading or discharge of cargo shall be delayed at that port on account of the embarkation or disembarkation of pilgrims or the loading or discharge of cargo for a period exceeding 12 hours.

103. No pilgrim ship carrying pilgrims from any port in British India and calling at any other port in British India except Aden, *en route* to the Hedjaz, for the embarkation or disembarkation of pilgrims or for the loading or discharge of cargo shall be delayed at the port of call, on account of the embarkation or disembarkation of pilgrims or the loading or discharge of cargo, for a period exceeding forty-eight hours.

*Allotment of upper deck space.*

104. No cabin shall be provided for any pilgrim on the upper-deck unless space remains unalloted on that deck after providing the accommodation required for the permanent and temporary hospitals, latrines, and six superficial feet of airing space for every pilgrim on board. Such space as remains unalloted after making provision for these requirements may be reserved for the accommodation of pilgrims in cabins containing not less than 16 superficial and 96 cubic feet of space per pilgrim. No pilgrim shall be furnished with reserved accommodation on the upper-deck except in a cabin.

105. The airing space on the upper-deck may be distributed among pilgrims of different classes in such manner as the master or owner may desire : Provided that the airing space allotted to any particular class of pilgrims shall be sufficient to provide at least six superficial feet of such space for every pilgrim of that class.

*Amount and distribution of baggage.*

106. (1) Pilgrims' heavy baggage shall be registered and numbered and deposited in the hold before the ship leaves her moorings.

(2) Pilgrims shall be allowed to keep with them only such articles as are absolutely necessary and the articles so kept shall not exceed one maund (82 lbs,) in weight per pilgrim.

(3) If a pilgrim so desires, the master shall arrange for the safe custody of the pilgrim's valuables, except those of a bulky nature, during the voyage. A receipt shall be given to the pilgrim for the articles so received for safe custody and on presentation of the receipt the articles shall be returned to the pilgrim.

*Hospital accommodation, medical stores and arrangements for maintaining health, cleanliness and decency.*

107. (1) The hospital accommodation required under section 195 shall be provided where convenient. A permanent hospital shall be provided for not less than 2½ per cent. of the pilgrims on board containing not less than six bunks and having a deck area of at least 32 superficial feet and dimensions of not less than 192 cubic feet per head. On every pilgrim ship on which there are 50 or more female pilgrims, there shall be a separate permanent hospital, containing not less than two bunks with a deck area of at least 72 superficial feet and dimensions of not less than 432 cubic feet, which shall be reserved for the use of women and of children under 12 years of age. The hospitals shall be lighted and ventilated to the satisfaction of the Inspector and shall be provided with raised floors or platforms at least 4 inches off the deck when situated on an iron deck. If on deck they shall be made as secure as any other deck-house, and the roof shall be well caulked and covered with painted canvas.* No case of small-pox, cholera, yellow fever or plague shall on any account be treated in a permanent hospital. Permanent hospitals shall be used solely for the accommodation of sick pilgrims, and in so far as they are not required for the accommodation of such pilgrims, shall remain unoccupied.

(2) Every pilgrim ship shall be provided with mattresses, blankets, pillows and bed sheets in the proportion of one mattress, one blanket, one pillow and two bed-sheets for every 40 pilgrims. These articles shall as a rule be used only for non-infectious cases, and in the event of their being used at any time for infectious cases they shall be destroyed immediately.

(3) Materials shall be carried for the construction on the upper-deck of a separate temporary hospital for the treatment of such cases of sickness as it may be considered

*The fittings used in constructing permanent hospitals should be of iron in preference to wood.

desirable specially to segregate (such as small-pox cholera, yellow fever or plague) and for use in the event of the permanent hospital accommodation becoming insufficient owing to any general outbreak of sickness. The part of the upper deck upon which such hospital shall, if required, be erected, shall be pointed out and measured off by the Inspector. The framework of the hospital shall be either of iron (in pieces that can be easily fitted together or of wooden spars or bamboos. The roof shall be tented, and both the roof and the side walls shall be made of stout canvas and be perfectly watertight, due provision being at the same time made for ventilation.

The floor shall be raised at least 4 inches from the deck. The superficial area of the floor shall be not less than the greater of the following areas, namely :—

(a) 144 square feet or,

(b) such area as will, together with the permanent hospital, accommodate four out of every hundered, or fraction of an even hundred, of the pilgrims on board the ship.

(4) Every hospital, permanent or temporary, shall be provided with a special latrine.

(5) In cases of sickness which it has been considered desirable to segregate no person other than the Medical Officer and the person or persons charged with the duty of looking after the patients shall have access to the patients and any person other than the medical officer and medical attendants referred to in rule 156 who has had access to the patients shall, so far as possible, be prevented from coming into contact with any other person on board.

108. A suitable dispensary to be approved by the Inspector shall be provided The dispensary shall be kept open for two hours in the morning and two hours in the evening every day. Urgent cases shall be attended to promptly at any time of the day and night.]

109. (1) Every pilgrim ship shall be provided with the articles specified in the first column of the annexed table. If the number of pilgrims on board does not exceed one hundred, the quantity of each article to be provided shall be that specified in the corresponding entry in the second column of the said table. If the number exceeds one hundred, the quantity shall be increased in proportion.

*Table.*

| | |
|---|---|
| Sago .. .. .. .. | 5 lbs. |
| Arrowroot in tin cases .. .. .. | 10 „ |
| Preserved milk* (1-lb. tins) .. .. | 1 dozen. |
| Extract of meat in 2-oz. tins or jars .. .. | 1 lb. |
| Sugar .. .. .. .. | 5 lbs. |
| Rum .. .. .. .. | 1 quart bottle. |

(2) Issues from these articles shall be made to pilgrims gratuitously as and when the medical officer may in his discretion direct.

110. (1) Every pilgrim ship shall be provided with the medicines, medical appliances and miscellaneous articles specified in the first column of Table A annexed hereto. If the number of pilgrims on board does not exceed one hundred the quantity of each medicine, medical appliance or miscellaneous article to be provided shall be that specified in the corresponding entry in the second column of the said Table A. Where the number of pilgrims exceeds one hundred, the quantity so specified shall be multiplied by the figure specified in the appropriate entry in the second column of Table B annexed hereto. The said medicines, medical appliances and miscellaneous articles, shall be employed with due regard to any instruction contained in the appropriate entry in the third column of the said Table A.

(2) Every pilgrim ship shall in addition be provided with $1\frac{1}{2}$ c. cs. of Lister anti-plague vaccine or 4 c. cs. of Haffkine anti-plague vaccine for every person on board who has not been certified by the Port Health officer to have been protected against plague, by inoculation immediately before embarkation. Anti-plague vaccine shall be administered in accordance with the instructions enclosed with the phials containing it Ordinarily

*The contents of a pound tin of preserved milk mixed with half a gallon of water makes good milk.

in the case of adults Lister anti-plague vaccine shall be administered in two doses of $\frac{1}{2}$ c. c. and 1 c. c. respectively and Haffkine anti-plague vaccine in a single dose of 4 c. c or 3 c. c. according as the vaccine is or is not more than three months old. The vaccine shall be kept in cold storage and used when required and shall be discarded in accordance with the date of expiry on the phials under the orders of the Sanitary authority of the port.

(3) No payment shall be demanded or received by any medical officer or attendant from any pilgrim on account of medical attendance, treatment or supply of medicines during the voyage.

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*Weight and Measures of the British Pharmacopœia.*

TABLE A.

| Name of medicine, medicinal appliances or miscellaneous articles. (1) | Quantity per hundred pilgrims. (2) | Instructions for use. (3) |
|---|---|---|
| Acidum, acetic .. .. | .. 2 oz. | The preparations of ammonia ether, choloroform, iodine, and all acids should be in well stoppered bottles.<br>Choloroform should be in blue glass or covered from light by dark paper.<br>All the drugs, etc., must be properly labelled with the quantities marked on each label.<br>"Poisons" should be especially distinguished by labels with the word "Poison" on them. |
| Acidum, boricum .. .. | .. 2 " | |
| Acidum, carbolicum (cryst) .. | .. 1 " | |
| Acidum, nitro-hydrochloricum dilutum | .. 1 " | |
| Acidum, sulphuricum dilutum | .. 1 " | |
| Acidum, tannic .. .. | .. $\frac{1}{2}$ " | |
| Acidum, tartaricum .. | .. 2 " | |
| Aether sulphuras .. | .. $\frac{1}{2}$ " | |
| Alumen in powder) .. | .. 2 " | |
| Ammonii carbonas .. | .. 2 " | |
| Ammonii chloride .. .. | .. $\frac{1}{2}$ " | |
| Argenti nitras .. .. | .. $\frac{1}{4}$ " | |
| Argyrol (10 per cent. solution) | .. $\frac{1}{2}$ " | |
| Bismuth subnitrate .. | .. $\frac{1}{2}$ " | |
| Borax .. .. | .. $\frac{1}{2}$ " | |
| Borocaine .. .. | .. 2 tubes of 25 tablets each. | |
| Calcium lactate .. .. | .. $\frac{1}{4}$ oz. | |
| Calomel .. .. | .. $\frac{1}{4}$ " | |
| Camphora .. .. | .. $\frac{1}{2}$ " | |
| Chlorodyne .. .. | .. 2 " | |
| Chloroformum .. .. | .. 1 " | |
| Chrysarobinum .. .. | .. $\frac{1}{4}$ " | |
| Cocainæ solution, 10 per cent. | .. $\frac{1}{4}$ " | |
| Copaiba .. .. | .. 1 " | |
| Creosotum .. .. | .. $\frac{1}{4}$ " | |
| Digitalin, gr. 1/100 .. | .. $\frac{1}{2}$ tube of 25 tablets. | |
| Emetine hydrochloride, gr. $\frac{1}{2}$ | .. 2 tubes of 25 tablets. | |
| Ethyl chloride .. .. | .. 1 tube. | |
| Extract gentain .. .. | .. $\frac{1}{2}$ oz. | |
| Glycerinum .. .. | .. 1 " | |
| Gum acacia .. .. | .. $\frac{1}{2}$ " | |
| Hydragyrum cum creta .. | .. $\frac{1}{2}$ " | |
| Hypodermic tablets of morphine, gr. 1/6th | $\frac{1}{2}$ tube of 25 tablets | |
| Idoformum .. .. | .. 1 oz. | |
| Linimentum camphoræ compositum | .. 2 " | |
| Lini farina .. .. | .. 2 lbs. in tin cases. | |
| Liquid Extract of Ergot .. | .. $\frac{1}{2}$ oz. | |
| Liquor ammoniæ.. .. | .. 1 " | |

| Name of medicine, medicinal appliances or miscellaneous articles. (1) | Quantity per hundred pilgrims. (2) | Instructions for use. (3) |
|---|---|---|
| Liquor ammonii acetatis | 6 oz. | |
| Liquor arsenicalis | ¼ " | |
| Liquor atropinæ sulphatis | ⅛ " | |
| Liquor calcis | 1 pint. | |
| Liquor epispasticus fortior | ¼ oz. | |
| Liquor Hydrag perchlor | 1 " | |
| Liquor morphinæ hydrochlor | ½ " | |
| Liquor strychninæ hydrochlor | ¼ " | |
| Magnesi carbonas | ¼ " | |
| Magnesi sulphas, in tins | 3 lbs. | |
| Oleum anisi | ½ " | |
| Oleum caryophilli | ¼ " | |
| Oleum eucalypti | ½ " | |
| Oleum lini | ½ pint. | |
| Oleum menthæ pipertæ | ¼ oz. | |
| Oleum ricini | 2 pints. | |
| Phenacetin | ¼ oz. | |
| Pilula asafœtidæ composita | 1 doz. | |
| Pilula colocynthidis et hyoscyami | 2 dozs. | |
| Pilula Plumbi cum opio, B. P. | 4 " | |
| Pilula scillæ composita | 4 " | |
| Potassii bromidum | 1 oz. | |
| Potassii chloras | 1 " | |
| Potassii citras | 1 " | |
| Potassii iodine | ½ " | |
| Potassii nitras | 2 " | |
| Potassii permanganas | 2 " | |
| Pulvis ipecacuanhæ, 5-gr. powders | 1 doz. | |
| Pulvis ipecacuanhæ compositus in 5-gr. powders | 4 dozs. | |
| Pulvis jalapæ, compositus | 1 oz. | |
| Quininæ sulphas, in 5-gr. pills | 12 dozs. | |
| Quininæ sulphas, in bulk | 2 oz. | |
| Salol | ¼ " | |
| Santonin | 1/16 " | |
| Sinapis (in powder) | 4 " | |
| Sodii bicarbonas | 1 " | |
| Sodii salicylas | ½ " | |
| Spiritus ætheris nitrosi | 2 " | |
| Spiritus ammoniaromat | 1 " | |
| Spiritus rectificatus | 8 " | |
| Strychninæ hydrochloride, gr. 1/100 | ½ tube of 25 tablets. | |
| Tinctura aconiti | ⅛ oz. | |
| Tinctura benzoinæ co | ½ " | |
| Tinctura camphoræ co | 1 " | |
| Tinctura capsici | ½ " | |
| Tinctura cinchonæ co | ½ " | |
| Tinctura digitalis | ½ " | |
| Tinctura ferri perchloride | ½ " | |
| Tinctura hyoscyami | 1 " | |
| Tinctura iodi (ethyl) | ½ " | |
| Tinctura lobelia etheris | 1 " | |
| Tinctura nucis vomicæ | ¼ " | |
| Tinctura opii | 1 " | |
| Tinctura quininæ ammon | 1 " | |
| Tinctura senegæ | 1 " | |
| Tinctura zingiberis | 1 " | |
| Tragacantha powder | 1 " | |
| Unguentum hydrag ammoniatum | 1 " | |
| Unguentum hydragyri | ½ " | |
| Unguentum simplex | ½ " | |
| | 2 " | |

| Name of medicine, medicinal appliances or miscellaneous articles. (1) | Quantity per hundred pilgrims. (2) | Instruction for use. (3) |
|---|---|---|
| Unguentum sulphuris | 2 oz. | |
| Unguentum zinci | 1 " | |
| Urotropine | ¼ " | |
| Vaseline | 2 " | |
| Vinegar | 1 pint. | |
| Vinum antimoniale | ½ oz. | |
| Vinum ipecacuanhæ | 1 " | |
| *Miscellaneous articles.* | | |
| Adhesive plaster (in tin case) | 1 yard. | |
| Anti-septic gauze | 1 " | |
| Bandages (roller) | ½ doz. | |
| Bed-pan (metal) | 1 | |
| Bed-urinal | 1 | |
| Calico | 2 yards. | |
| Corks for bottles | 1 doz. | |
| Cotton wool (country) | 1 lb. | |
| Flannel | 2 yards. | |
| Fresh vaccine lymph | 6 tubes. | |
| Lint | 4 yards. | |
| Papers for powders, etc. | 1 quire. | |

TABLE B.

| Number of pilgrims on board. | Figure by which quantity for one hundred pilgrims to be multiplied. |
|---|---|
| From 101 to 250 Pilgrims | 1½ times. |
| From 251 to 400 Pilgrims | Twice. |
| From 401 to 550 Pilgrims | Thrice. |
| From 551 to 750 Pilgrims | Four times. |
| From 751 to 950 Pilgrims | Five times. |
| From 951 to 1,150 Pilgrims | Six times. |
| From 1,151 to 1,350 Pilgrims | Seven times. |
| From 1,351 to 1,550 Pilgrims | Eight times. |
| From 1,551 to 1,750 Pilgrims | Nine times. |
| From 1,751 to 1,950 Pilgrims | Ten times. |
| From 1,951 to 2,150 Pilgrims | Eleven times. |
| From 2,151 to 2,350 Pilgrims and so on | Twelve times. |

111. Every pilgrim ship shall be provided with the disinfectants, instruments and articles specified in the first column of the annexed table, the quantity of each disinfectant and the number of each instrument or article to be provided, being that specified in the corresponding entry in the second column.

*Table.*

| Name of disinfectants and instruments, etc. | Quantity or number per ship. | Name of disinfectants and instruments, etc. | Quantity or number per ship. |
|---|---|---|---|
| *Disinfectants—* | | Hydrochloric acid | 1 gal. |
| Calvert's carbolic 15 per cent. powder To be put up in ten hermetically sealed tins each containing 5 lbs. | 50 lbs. | Methylated alcohol | 5 gals. |
| Corrosive sublimate | 5 lbs. | Phenol | 20 gals. |
| Fresh slaked lime | 20 lbs. | Sulphur | 32 lbs. |
| | | *Instruments and other articles—* | |
| | | Artery forceps (in addition to the one already supplied in pocket dressing case) | 1 |

| Name of disinfectants and instruments, etc. | Quantity or number per ship. | Name of disinfectants and instruments, etc. | Quantity or number per ship. |
|---|---|---|---|
| *Instruments and other articles.* | | 1 straight and 1 curved bistuory in 1 handle, 1 lancet (bleeding), silk thread for sutures (20) grains .. | 1 |
| Boxes, chip, for ointment (1 oz. each) .. | 18 | Rubber gloves .. | 2 pairs. |
| Catheter India rubber Nos. 2, 4, 6 and 10 .. | 1 set. | Scales and weights (grains) .. | 1 |
| Catheter silver (No. 8 size) .. | 1 | Scissors (shop) .. | 1 |
| Clinical thermometer (in addition to the one already supplied in pocket dressing case) .. | 1 | Spare weights (grains) .. | 1 set. |
| Dispensing bottles (3 oz.) .. | 12 each. | Spare needles for hypoderimic syringe, 20 minims .. | 4 |
| Douche can (1 quart with 6 ft. India rubber tubing and pinch-cock) .. | 1 | Spatula .. | 1 |
| Enamelled bowl .. | 1 | Spirit lamp, glass, 2 ounces .. | 1 |
| Enamelled tray (round) .. | 1 | Splints (common) .. | 1 set. |
| Enamelled tray (kidney shaped).. | 1 | Steriliser for surgical instruments, small .. | 1 |
| Enema can .. | 1 | Stretcher (an efficient carrying stretcher of approved type, preferably "Naval") .. | 1 |
| Esmarch's tourniquet .. | 1 | Syringe, ear, pewter .. | 1 |
| Eye cup .. | 1 | Syringe, enema, patent .. | 1 |
| Eye spud .. | 1 | Syringe, Record 5 c. c. with 2 needles .. | 1 |
| Glass measures, 2 oz. .. | 2 | Syringe, urethral (male) .. | 1 |
| Glass measures, 2 drachms .. | 2 | Syringe, urethral (female) .. | 1 |
| Hot water bottle or bag .. | 1 | Test tubes .. | 4 |
| Hypodermic syringe, 20 minims | 1 | Tooth forceps— | |
| Ice bag .. | 1 | Upper incisors .. | 1 |
| Infusion pot .. | 1 | Lower incisors .. | 1 |
| Midwifery forceps .. | 1 pair. | Lower molar .. | 1 |
| Penknife .. | 1 | Upper molar, right .. | 1 |
| Pestle and mortar (brass) .. | 1 | Upper molar, left .. | 1 |
| Pestle and mortar (wedgwood) .. | 1 | Transfusion apparatus for intravenous saline and a sufficient supply of hypertonic saline in tablet form .. | 1 |
| Pocket dressing case to contain 1 probe, 1 director, 1 female catheter, 1 clinical thermometer (in case), 1 pair of scissors, 1 dressing forceps (plated), 6 suture needles, 1 artery forceps, 1 Symes abscess knife, | | Waterproof sheets .. | 6 |

112. The following certificates showing that medicines, etc., have been duly supplied and received according to the requirements of rules 110 and 111 shall be produced before the Inspector at the time of the inspection :—

(1) Certified that we have supplied medicines, etc., for __________ pilgrims proceeding to __________ in the S. S. __________ according to the prescribed scale [ or we have supplied medicines, etc., so as to make up deficiencies in existing stock up to the prescribed scale ].

*Dated*

*Chemists.*

(2) Certified that I have carefully compared the prescribed scale with the medicines, etc., examined by me on board the pilgrim ship __________ and am satisfied that the supply is correct for the use of __________ pilgrims.

*Dated.* *Ship.*

*Medical Officer.*

*Health Officer.*

113. (1) Every pilgrim ship shall carry a disinfecting stove approved by the Health Officer of the port in British India at which the voyage is to commence.

(2) Articles of bedding, carpets and clothes which have been used by patients affected with cholera, plague, dysentery or any other infectious disease or by persons who have had access to such patients shall, if their value is negligible be thrown into the sea or if the ship is in a port or canal be destroyed by fire. If their value is more than negligible, they shall immediately be carried for disinfection to the disinfecting stove in impermeable bags sprinkled with a solution of corrosive sublimate and shall be disinfected under the supervision of the Medical Officer.

(3) The excreta and dejecta of persons showing symptoms of cholera, plague, dysentery or any other infectious disease, who are not able to use the hospital latrines shall be collected in vessels containing a disinfecting solution, and vessels shall be emptied into the hospital latrines which shall be thoroughly disinfected every time this is done.

(4) Articles other than those specified in sub-rule (2) which have come into contact with persons suffering from cholera, plague, dysentery or any other infectious disease shall be thoroughly disinfected in the following manner :—

(a) Articles so contaminated or suspected of being so contaminated shall, unless they are liable to be destrozed by exposure to heat, be disinfected in the disinfecing stoves under pressure, the stove being maintained at a temperature (to be tested during each operation) of 220° Fahr. and the articles being exposed to this temperature for 15 minutes.

(b) Articles liable to be destroyed by exposure to the heat of a disinfecting stove, such as metals, leather, tables, lockers, etc., shall be disinfected by being washed with disinfecting solution.*

(5) Ships on which cases of cholera, plague, dysentery or any other infectious disease have occurred shall be disinfected in the following manner :—

(a) The cabins† and all parts of the ship occupied by patients suffering or suspected to be suffering from any such disease shall be emptied, and all articles removed and disinfected in accordance with sub-rule (4).

(b) The interior sides, bulkheads, floors and decks of the ship shall be washed with corrosive sublimate solution‡ with the addition of 10 per cent. of alcohol (*i.e.*, one gallon of methylated alcohol to every ten gallons of the corrosive sublimate solution), and two hours after washing, shall be scrubbed, and then thoroughly washed down with plenty of water.

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*One of the following disinfecting solutions should be used—

(a) Corrosive sublimate in the following proportion :—

Corrosive sublimate, ½ oz.

Hydrocholoric acid, 1 oz.

Water, 3 gallons.

Fuchsin or losin, 5 grains.

(b) Phenol, five parts in 100 parts of water.

(c) Fresh slaked lime.

The different disinfecting solutions are useful for the following purposes —

(a) Linen, clothes and articles soiled by the evacuations of cholera patients should be put into the corrosive sublimate solution.

(b) Persons in attendance on the sick should use the corrosive sublimate solution, when washing themselves in the proportion of one part of the solution to 2,000 parts of water.

(c) Phenic acid should be used to disinfect articles which cannot be exposed to a temperature of 220° Fahr. or to contact with sublimate solutions, such as metals, instruments, etc.

(d) Slaked lime is specially useful to disinfect the evacuations of cholera patients ; in the absence of slaked lime phenic acid will answer the same purpose. When slaked lime is used for disinfecting liquids, it should be used in the proportion of three lbs. of lime to ten gallons of the liquid, to be disinfected.

†For the purpose of fumigating cabins and confined space, one and-a-half ounces of sulphur should be burnt for every 30 cubic feet of the space to be fumigated, the cabin or other space being completely closed during the operation and kept so for twelve hours.

‡The washing should commence from the top, horizontally and downwards, so that the whole surface becomes covered with a coating of the solution in fine drops.

(c) The hold of the ship shall be strewn from time to time with a sufficient quantity of iron sulphate to neutralise the sulphuretted hydrogen, and the water in the hold shall then, unless the ship is in dock, be pumped out and the hold washed with sea-water and sprinkled with corrosive sublimate solution.

114. (1) Every pilgrim ship shall keep on board such stock of the under mentioned materials as may, in the opinion of the Inspector, be sufficient to provide for the burial of at least two per cent. of the pilgrims, with due regard to the requirements of sub-rules (2) and (4) :—

Long cloth for shrouds.

Bath soap (not scented).

Ritha (Soap berries).

Soorma.

Rose water.

Atar (Rose).

Agar batti (Ambari).

Abir.

Loban (Benzoin).

Camphor.

Cotton.

A wooden plank with short legs.

A set of screens to form an enclosure while a corpse is being washed.

A brass jug.

A pan or degchi for boiling water.

Scissors.

Needle and thread for sewing shrouds.

(2) When a pilgrim dies on board, the master shall issue materials for the burial of the corpse in accordance with the scale given below :—

Long cloth (if the deceased is a male)—18 yards.

Long cloth (if the deceased is a female)—20 yards.

Bath soap (if the deceased is a male)—1 cake.

Ritha (if the deceased is a female)—4 chhattaks.

Soorma (if the deceased is a female)—1 pennyweight.

Rose water—1 pint.

Atar (Rose)—1/10th tola.

Agar batti (Ambari)—25 sticks.

Loban (Benzoin)—1 chhattak.

Camphor—1/2 chhattak.

Cotton—1 chhattak.

Thread—As much as required.

(3) The price to be charged by the master for the issue of the materials mentioned in sub-rule (2) shall be fixed from time to time by the local Government of the province in which the port of departure of the ship is situated. If the friends or relatives of the deceased pilgrim travelling by the ship or any other persons on board are willing to bear the charge, the master shall receive the price of the materials from them. If he does not receive payment of the price from any friends or relatives of the deceased or from any other persons on board, he or the owner or agent shall be entitled to receive payment of the price from the Port Haj Committee of the port at which the deceased pilgrim had embarked.

(4) No charge shall be made by the master for the use of the wooden plank, screens, jug, pan or degchi, scissors and needle mentioned in sub-rule (1). These articles

shall be preserved after being used in each case of burial till they are again required for use in another case of burial and shall not be used for any other purpose: Provided that the wooden plank, jug, pan or degchi, when used in connection with the burial of a pilgrim whose death was due to infectious disease, shall either be destroyed or disinfected under the direction of the medical officer of the ship.

115. (1) In the event of a death from an infectious disease the corpse shall be wrapped in a shroud impregnated with a disinfecting solution and be committed to the sea. Only Muslim members of the staff of the ship shall attend to this work.

(2) In the event of a death from any cause other than infectious disease, the friends or relatives of the deceased on board shall, if they so desire, be permitted to undertake the washing and shrouding of the corpse. When there are no such friends or relatives on board willing to undertake this work, the master shall invite volunteers from other pilgrims, preferably from those who come from the same province or country as the deceased, and, if no volunteers come forward, the corpse shall be washed and shrouded and committed to the sea by Muslim members of the ship's staff.

(3) Care shall be taken to secure that all burials at sea are conducted in an orderly and decent manner and, if possible, out of sight of sick pilgrims in the ship's hospitals and an opportunity shall be given to pilgrims on board to offer funeral prayers.

(4) In normal circumstances, at the time of committing a corpse to the sea, the ship shall be slowed and the screws shall be completely stopped for such time as the master may deem fit.

(5) Fire-bars shall be used for sinking a corpse and the use of lumps of coal for this purpose shall be avoided.

116. Pilgrims shall air their clothing, blankets, etc., as often as they are required to do so by the medical officer.

117. The following articles and appliances shall be supplied on the scale shown below:—

| | | |
|---|---|---|
| Iron boilers with covers— | | Sufficient for the needs of the pilgrims to be fed by the ship. |
| For rice (large) | .. | |
| For dall or curry (small) | .. | |
| Iron ladles— | | |
| For rice (large) | .. | |
| For dall, etc. (small) | .. | |
| Iron spoons, tinned | .. | |
| Curry-stones, with mullers | .. | |
| Sieves for cleaning rice, etc. | .. | |
| Gallon measure | 1 | To each pilgrim ship. |
| Half-gallons measure | 1 | |
| Quarter-gallon measure | 1 | |
| Scales and weights or a spring balance | 1 | |
| Block-tin saucepans for hospital use exclusively, from 1 pint to 1 gallon | 3 | |
| Hatchets for cutting wood | 2 | |
| Knives | 2 | |
| Tubs (large) for bathing or washing | 4 | |
| *Tubs (smaller) for latrine use | 4 | |
| Tin pots for pilgrims suffering from sea sickness | 12 | |
| Canvas bathing screens for the use of women | 2 | |
| A dirt-shoot, moveable | 1 | |
| Deck scrapers | 12 | |
| Sand | 1 ton. | |
| Holystones or hard bricks | 50 | |
| Swabs or squeegees | 18 | |
| Brooms (country) | 50 | |
| *Tin pots for latrines | 1 per seat. | |
| Soap | 1 lb. per pilgrim. | |
| Buckets (galvanized iron) | 2 For every 100 pilgrims. | |
| Safety lanterns with lock and key to each | 3 for hatchways. 1 for each latrine. 1 for hospital. 1 for Surgeon. | |
| Oil with wicks, or candles to fit lantern. | Sufficient for all lanterns to burn at least ten hours of every night of the voyage. | |

*All these should be specially marked for privy use.

118. (1) Every pilgrim ship shall be fitted with a sufficient number of latrines for the exclusive use of pilgrims to the satisfaction of the Inspector. The latrines shall be screened from public view and readily accessible and shall be provided with seats at the following rates, in proportion to the total number of pilgrims which the ship can accommodate, namely, not less than 3 for the first 100 and 3 for every additional 100 or fraction of that number in excess of 100. If there be any females among the pilgrims, a proportion of seats shall be screened off and set apart for the exclusive use of females at the rate of 3 for the first 100 females and 3 for every additional 100 or fraction of that number in excess of 100.

(2) In the latrines provided for use of male pilgrims, such number of seats, as the Inspector may direct, shall be set apart for the exclusive use of male pilgrims travelling by the first or second class.

(3) In the latrines provided for use of female pilgrims, such number of seats, as the Inspector may direct, shall be set apart for the exclusive use of female pilgrims travelling by the first or second class.

(4) Latrines shall not be allowed either in the between-decks or in the holds. They shall be in a convenient and accessible place on the upper deck, and close up to the bulwarks or rails. They shall be made of iron and securely bolted down to the deck beams below the deck. They shall not project over the ship's side. They shall be so placed, that the soil shoot of the latrine trough, may lead directly out of a port or other opening and well clear of the ship's side. Every latrine shall be divided into separate and private compartments. Each compartment shall not be less than 3 feet by 2 feet in size and shall have a separate entrance with door and be fitted with a seat or pair of foot boards having a free opening or hole in the centre. Each such opening shall communicate directly with the trough beneath common to all openings. The trough shall be continued into the shoots and have a good fall from each end towards the shoot in the centre. The trough of the latrine shall be at least 4 inches above the deck to enable the deck beneath to be freely flushed. Every compartment shall be well ventilated by means of such openings as will not interfere with privacy, and shall be provided with efficient lighting to the satisfaction of the Inspector.

(5) All latrines shall be kept in good order and disinfected three times a day. They shall be provided with an approved system of continuous or intermittent flushing to the satisfaction of the Inspector. The flushing pipes shall be of not less than 2 inches internal diameter and fitted so as to enable each latrine to be flushed from end to end. The deck immediately about the latrines shall be enclosed with a ridge of wood 2 inches high to prevent the flushing water finding its way to other parts of the deck and the deck from this 2 inch ridge to the scruppers shall be covered with cement or with tin, lead or other metal.

(6) Not less than two sweepers shall be employed on every pilgrim ship, and one additional sweeper shall be employed for every 100 pilgrims in excess of 100 up to a maximum of five sweepers when the total number of pilgrims does not exceed 1,000. For every 100 or fraction of 100 pilgrims in excess of 1,000 one additional sweeper shall be employed up to a maximum of eight sweepers.

119. (1) At least four adequately screened washing places shall be provided on the deck, a sufficient number being reserved exclusively for women. The washing places shall be supplied with pipes fitted with taps or nozzles able to yield a continuous supply of sea-water with pressure even when the ship is at anchor: these taps or nozzles shall be in the proportion of 1 for every 100 pilgrims or fraction of that number in excess of 100.

(2) Of the washing places provided for use of male pilgrims, such number, as the Inspector may direct, shall be reserved for the exclusive use of male pilgrims travelling by the first or second class.

(3) Of the washing places provided for use of female pilgrims such number, as the Inspector may direct, shall be reserved for the exclusive use of female pilgrims travelling by the first or second class.

120. The crew of the ship shall not be allowed to use the latrines and washing places intended for pilgrims, while pilgrims are on board, and the latrines and washing places reserved for the use of any particular class of pilgrims shall not be allowed to be used by any other class of pilgrims.

*Medical Inspection.*

121. The medical inspection of female pilgrims shall be carried out either by lady doctors or, under the supervision of the medical officer appointed for the purposes of section 206, by women appointed by the local Government in this behalf.

122. No articles found or suspected by the medical officer referred to in rule 121 to have been contaminated by persons suffering from cholera or choleraic indisposition, or from a disease which in his opinion is dangerously infectious or contagious, shall be taken on board a pilgrim ship until they have been disinfected under his order in the manner prescribed in sub-rule (4) of rule 113.

123. No pilgrim otherwise entitled to embark shall be prevented from embarking save for a cause specified in section 206, sub-section (2).

*Pilgrim-passes, pilgrim-deposits and pilgrim-tickets.*

124. (1) Every intending pilgrim shall obtain from the authority appointed in this behalf by the local Government of the province in which he resides or of the province in which the port of embarkation is situate, a pilgrim-pass in Form V and shall present the same for registration to the Executive Officer of the Port Haj Committee of the port of embarkation.

(2) A fee of three rupees shall be charged for the issue of a pilgrim-pass to a British Indian pilgrim at the port of his embarkation unless he is a resident of such port and the proceeds from the fee shall be credited to the Haj Fund at the disposal of the Port Haj Committee of such port.

(3) Except as provided in sub-rule (2), no fee shall be charged, for the issue of a pilgrim-pass to a pilgrim

125. (1) If any pilgrim who has obtained a pilgrim-pass under sub-rule (1) of rule 124, loses it at any time before embarkation for the outward voyage, the authority appointed in this behalf by the local Government of the province in which the port of embarkation is situate, may, after making such enquiries as it may deem fit, issue a fresh pilgrim-pass to such pilgrim. The provisions of these rules shall then apply to such pilgrim-pass as if it were the original pilgrim-pass and the original pilgrim pass shall be deemed to have been cancelled and shall be null and void for all purposes.

(2) All available particulars regarding any pilgrim-pass, which has to be deemed as cancelled under sub-rule (1), shall be promptly reported by the authority referred to in sub-rule (1) to owners or agents of ships conveying pilgrims and to His Majesty's Representative at Jedda.

126. (1) The person with whom the sum referred to in clause (b) of section 208A shall be deposited shall be the Executive Officer of the Port Haj Committee of the port at which the pilgrim proposes to embark.

(2) When such sum is deposited by any pilgrim, the Executive Officer shall state, in words and in figures, the amount deposited and sign the statement in the space provided for this purpose in Part II of the pilgrim-pass of such pilgrim.

(3) the amount received by the Executive Officer from any pilgrim as a deposit under this rule shall be entered in a separate account and shall not, unless and until it is credited to the Haj Fund under sub-rule (2) of rule 148, be utilised for any purpose other than—

(a) the payment of a refund to the pilgrim or to his nominee or legal representative, in accordance with these rules ; or

(b) the payment to the master, owner or agent of the ship by which the pilgrim returns to India, of the cost of the pilgrim's return passage from Jedda.

127. (1) For the purposes of the proviso to section 208A the " prescribed person " means the Executive Officer of the Port Haj Committee of the port at which the pilgrim proposes to embark.

(2) When any pilgrim has been exempted from the substantive provisions of section 208A in accordance with the proviso to that section, the person granting such exemption shall briefly state the reasons for the exemption and sign the statement in thes space provided for this purpose in Part II of the pilgrim-pass of such pilgrim.

128. The cost of a ticket issued to a pilgrim other than a pilgrim under seven years of age shall include the fixed sanitary and quarantine dues leviable at Kamaran on the outward voyage in respect of such pilgrim, and the cost of a ticket issued to any pilgrim shall include the sanitary and quarantine dues, if any, for the time being leviable at the port of destination on the outward voyage in respect of such pilgrim.

129. (1) The ticket which a pilgrim is under sub-section (1) of section 208B entitled to receive—

(a) shall be issued from a book with a counterfoil,

(b) in the case of a return ticket, shall contain separate portions covering the outward and return journeys, respectively,

(c) shall be denoted by a serial number stamped on the ticket, and, in the case of return ticket, on each separate portion thereof, and also on the counterfoil,

(d) shall be of canvas, stout paper or parchment and shall be not less than 4½ inches in length and not less than 3 inches in witdh ; provided that in the case of a return ticket, each portion shall be not less than 4½ inches in length and not less than 3 inches in width,

(e) shall show the name of the ship on which the outward voyage is to be performed and the advertised date of its sailing.

(2) On the ticket, or in the case of a return ticket on each portion thereof, and also on the counterfoil, there shall be inscribed in ink—

(a) the date of issue of the ticket,

(b) the name and father's name of the holder, or if the holder is a married female or a widow, the name and father's name of her husband or deceased husband, with the words ' wife of ' or ' widow of,' as the case may be, prefixed,

(c) the registration number (at port of embarkation) of the pilgrim-pass of the holder,

(d) the total cost of the ticket with a statement of the sanitary and quarantine-dues referred to in rule 123,

(e) a statement to the effect that pilgrims under seven years of age are exempt from the payment of Kamaran quarantine dues.

(f) a statement showing the number of meals the holder is entitled to be supplied with daily during the voyage,

(g) a statement to the effect that, in addition to the food which every pilgrim is entitled to receive during the voyage under sub-section 2 of section 208 B, additional articles of food will be procurable on board the ship on payment.

(3) The particulars specified in clause (b) of sub-rule (2) shall be written in English and Urdu. The particulars specified in clauses (d), (f) and (g) of the said sub-rule shall be written in English and Urdu in the case of a ship sailing from Bombay or Karachi and in English and Bengali in the case of a ship sailing from Calcutta. The particulars specified in the remaining clauses of the said sub-rule shall be written in English.

130. No ticket shall be issued to a pilgrim who does not produce his pilgrim-pass duly registered at the port of embarkation and no single ticket for the outward voyage from a port in British India, by the lowest class available on a ship, shall be issued to a pilgrim unless Part II of his pilgrim-pass bears either the statement referred to in sub-rule (2) of rule 126 or the statement referred to in sub-rule (2) of rule 127, duly signed.

131. When a ticket is issued to a pilgrim, the person issuing the same shall write the class and serial number of the ticket and the name of the ship by which the outward voyage is to be performed in the spaces provided for this purpose in Part II of the pilgrim-pass of such pilgrim, and, if the ticket is a return ticket, he shall also state, in the space provided for this purpose in the same part of the pilgrim-pass, the date of the issue of the return ticket and sign the statement.

132. It shall be the duty of the master to ensure that no pilgrim is received on board in contravention of the provisions of section 208-A.

133. Every pilgrim, on landing at Jedda, shall present to His Majesty's Representative at that place, for registration —

(1) his pilgrim-pass (Parts I and II)* ; and

(2) if he is in possession of a return ticket, such return ticket.

134. If any pilgrim loses his pilgrim-pass at any time after his embarkation at a port in British India and before it is presented to His Majesty's Representative at Jedda for registration, such pilgrim may apply to His Majesty's Representative at Jedda for the issue of a fresh pilgrim-pass. If a fresh pilgrim pass is issued, the provisions of these rules shall apply to such pilgrim-pass as if it were the original pilgrim-pass and the original pilgrim-pass shall be deemed to have been cancelled and shall be null and void for all purposes.

*The return ticket (if any) and Part II of the pilgrim-pass will be retained by His Majesty's Representative for safe custody, whilst Part I of the pilgrim-pass will be endorsed to that effect and returned to the pilgrim to remain in his possession.

135. If any pilgrim loses Part I of his pilgrim-pass after having delivered Part II to His Majesty's Representative at Jedda, for safe custody, such pilgrim may apply to His Majesty's Representative at Jedda for the issue of a fresh pilgrim-pass (Part I). If a fresh pilgrim-pass (Part I) is issued, the original pilgrim-pass (Part I) shall be deemed to have been cancelled and shall be null and void for all purposes.

136. (1) When a pilgrim who is not in possession of a return ticket but who has made the deposit referred to in clause (b) of section 208 A during the previous eighteen months and has delivered to His Majesty's Representative at Jedda, for safe custody, Part II of his pilgrim-pass bearing the statement referred to in sub-rule (2) of rule 126, desires to embark for the return voyage from Jedda, he shall request His Majesty's Representative at Jedda to secure for him a ticket for the return voyage.

(2) Every ticket issued to a pilgrim in compliance with a request made by him under sub-rule (1)—

(a) shall be denoted by a serial number stamped on the ticket,

(b) shall be of canvas, stout paper or parchment and shall be not less than 4½ inches in length and not less than 3 inches in width ; and

(c) shall have inscribed on it in ink—

(i) the name of the ship by which the return voyage is to be performed ;

(ii) the date on which the ship is due to sail from Jedda ;

(iii) the name, and father's name of the pilgrim, or if the pilgrim is a married female or a widow, the name and father's name of her husband or deceased husband, with the words 'wife of' or 'widow of' as the case may be, prefixed ;

(iv) the registration number (at Jedda) of the pilgrim-pass of the pilgrim ;

(v) the name of the port at which the pilgrim is to disembark :

(vi) a statement showing the number of meals the pilgrim is entitled to be supplied with, daily during the voyage ; and

(vii) a statement to the effect that, in addition to the food which every pilgrim is entitled to receive during the voyage under sub-section (2) of section 208 B, additional articles of food will be procurable on board on payment.

(3) The particulars referred to in sub-clause (iii) of clause (c) in sub-rule (3) shall be written in English and Urdu. The particulars referred to in sub-clauses (vi) and (vii) of the said clause shall be written in English and Urdu in the case of a ship proceeding to Bombay or Karachi and in English and Bengali in the case of a ship proceeding to Calcutta. The particulars referred to in the remaining sub-clauses of the said clause shall be written in English.

(4) Within one month from the date on which the master, owner or agent of a ship, by which a pilgrim who had made the deposit referred to in clause (b) of section 208 A returns to India, presents Part II of the pilgrim-pass of such pilgrim, duly endorsed by His Majesty's Representative at Jedda to the Executive Officer of the Port Haj Committee of the port in British India at which the pilgrim had made the said deposit, the Executive Officer shall pay to such master, owner, or agent, the amount of the deposit, as cost of the pilgrim's return passage from Jedda.

137. (1) When a pilgrim, who had purchased a return ticket within the previous eighteen months and delivered such ticket to His Majesty's Representative at Jedda for safe custody, desires to embark for the return voyage from Jedda, he shall request His Majesty's Representative at Jedda to secure for him a passage for the return voyage.

(2) If and when a passage is secured in compliance with a request made by a pilgrim under sub-rule (1), the agent of the ship shall write on the return ticket the name of the ship by which the pilgrim is to perform the return voyage and the date on which the ship is due to sail from Jedda, and shall return the ticket to His Majesty's Representative at Jedda for delivery to the pilgrim.

*Refunds of deposits and passage money.*

138. (1) The officer making an inspection under section 206 or section 207 shall stamp on the pilgrim-pass and also on the ticket of a pilgrim the following endorsement, if permission to embark is withheld from such pilgrim under sub-section (2) of section 206 or if he is

removed from the ship under sub-section (2) of section 207 or if he is prevented from proceeding by reason of such permission being withheld from any member of his family or by reason of any member of his family being so removed :—

"Not permitted to proceed on the Hajj".

(2) The right to a refund of passage money accruing under sub-section (1) of section 208C to a pilgrim, to whom sub-rule (1) applies, shall be subject to the presentation by him of his ticket endorsed in accordance with the said sub-rule, to the owner or agent of the ship.

(3) The right to a refund of passage money accruing under sub-section (1) of section 208C to a pilgrim, to whom sub-rule (1) does not apply, shall be subject to the presentation by him of his ticket to the owner or agent of the ship and to a deduction of 10 per cent. of the passage money paid by him: Provided that no such deduction shall be made if the pilgrim had given to the owner or agent, at least three clear days before the departure of the ship, a written notice of his intention of cancelling his passage and advanced satisfactory reasons for doing so. If there is any dispute between the pilgrim and the owner or agent as to whether the reasons advanced by the pilgrim for cancelling his passage were or were not satisfactory, the owner or agent shall refer the matter in the first instance to the Chairman of the Port Haj Committee of the port, and if the Chairman's decision is not acceptable to either of the two parties, the Chairman shall refer the matter to a Presidency Magistrate or a Magistrate of the first class exercising jurisdiction in the port. The decision of the Magistrate shall be final and there shall be refunded to the pilgrim any amount allowed to him by such decision.

(4) Where a pilgrim has made the deposit referred to in clause (*b*) of section 208A, his right to a refund of the amount of the deposit, accruing under sub-section (1) of section 208C, shall be subject to the presentation by him of his pilgrim-pass, endorsed in accordance with sub-rule (1) if the said sub-rule applies to him, and having, in Part II thereof, the statement referred to in sub-rule (2) of rule 126, duly signed, to the Executive Officer of the Port Haj Committee of the port at which he had made the deposit.

139. (1) The right to a refund of half the passage money, accruing under sub-section (2) of section 208C to a pilgrim, shall be subject—

(*a*) to the presentation by the pilgrim to the agent at Jedda of the ship by which he proceeded to Jedda from India, of his ticket for the return voyage with an endorsement in the following form signed by His Majesty's Representative at Jedda :—

"Passed for refund under sub-section (2) of section 208C of Indian Merchant Shipping Act, 1923."

(*b*) to the determination of the amount of refund in accordance with the following formula :—

$$\text{Amount of refund} = \frac{(A-B-C)}{2} - \frac{1}{10} \underline{\qquad}$$

A denotes the total amount of passage money paid by the pilgrim for the ticket for the outward voyage and the return voyage.

B denotes any sum actually disbursed on behalf of the pilgrim on account of sanitary and quarantine dues at Kamaran on the outward voyage.

C denotes any sum actually disbursed on behalf of the pilgrim on account of sanitary and quarantine dues at the port of destination on the outward voyage.

(2) The right to a refund of deposit money, accruing under sub-section (2) of section 208C to a pilgrim, shall be subject to the presentation by the pilgrim to His Majesty's Representative at Jedda of an application for refund setting forth circumstances in which the refund is claimed.

140. (1) The nomination in writing referred to in sub-section (3) and in sub-section (4) of section 208C shall be made in the presence of the officer from whom the pilgrim obtains his pilgrim-pass under sub-rule (1) of rule 124, or of the Executive Officer of the Port Haj Committee of the port of embarkation in British India, or of the master of the ship by which the pilgrim travels on the outward voyage, or of His Majesty's Representative at Jedda. It shall be attested by two witnesses and shall be in the following form :—

"I ............ of village.......... Post Office............ District...... .. do hereby nominate................. of village ......... .... Post Office ........................District................to receive any refund of my passage money due from the shipping company / deposit made under section 208A. to which I or my legal representative may become entitled under sub-section (3) or sub-section (4) of section 208C of the Indian Merchant Shipping Act, 1923 (XXI of 1923)."

(2) The person in whose presence the nomination is made shall—

(a) Write the name and postal address of the nominee in Part I and Part II of the pilgrim pass of the pilgrim in the spaces provided therein for this purpose; and

(b) forward the original nomination paper to the Executive Officer of the Port Haj Committee of the port in British India at which the pilgrim proposes to embark or had embarked.

141. (1) The right to a refund of half the passage money, accruing under sub-section (3) of section 208C to the nominee or legal representative of a deceased pilgrim, shall be subject—

(a) to the presentation by the nominee or legal representative to the owner, or to the agent at the port of embarkation or at Jedda, of—

(i) the pilgrim's ticket for the return voyage from India, and

(ii) of satisfactory proof of the pilgrim's death; and

(b) to the determination of the amount of refund in accordance with the formula laid down in clause (b) of sub-rule (1) of rule 139.

(2) The right to a refund of the deposit money, accruing under sub-section (3) of section 208C to the nominee or legal representative of a deceased pilgrim, shall be subject to the presentation by the nominee or legal representative either to His Majesty's Representative at Jedda or to the Executive Officer of the Port Haj Committee of the port at which the pilgrim had made the deposit, of and application for refund supported by satisfactory proof of the pilgrim's death.

142. (1) The right to a refund of half the passage money, accruing under sub-section (4) of section 208C to a pilgrim or to his nominee, shall be subject to the presentation by the pilgrim or by his nominee, either to the owner, or to the agent at the port of embarkation in India or at Jedda, of the pilgrim's ticket for the return voyage from Jedda, and to the determination of the amount of refund in accordance with the formula laid down in clause (b) of sub-rule (1) of rule 139.

(2) The right to a refund of the deposit money, accruing under sub-section (4) of section 208C to a pilgrim or to his nominee, shall be subject to the presentation by the pilgrim or by his nominee either to His Majesty's Representative at Jedda or to the Executive Officer of the Port Haj Committee of the port at which the pilgrim had made the deposit, of an application for refund.

143. (1) If a pilgrim who has sailed on the outward voyage from the port of Calcutta with a return ticket, is brought back to the port of Bombay or Karachi, the owner or agent shall refund to such pilgrim one-half of the difference between the passage money actually paid by him and the passage money which he would have been required to pay had he sailed on the outward voyage from the port of Bombay or Karachi, as the case may be.

(2) If a pilgrim, who has sailed on the outward voyage from the port of Calcutta after making the deposit referred to in clause (b) of section 208A, is brought back to the port of Bombay or Karachi, the owner or agent shall refund to such pilgrim the difference between the amount actually deposited by him and the amount he would have been required to deposit had he sailed on the outward voyage from the port of Bombay or Karachi, as the case may be.

144. (1) Every claim for refund of passage money or of deposit money submitted by a pilgrim or by a pilgrim's nominee or legal representative in accordance with these rules shall be attended to as expeditiously as possible by the person to whom such claim is presented.

(2) The owner or agent of a ship who is required to make a refund of passage money under these rules at a port in British India shall make such refund through the Executive Officer of the Port Haj Committee of that port.

(3) It shall be the duty of the Executive Officer of the Port Haj Committe of the port in British India at which a pilgrim proposed to embark or had embarked for the outward voyage to assist such pilgrim or his nominee or legal representative in obtaining any refund of passage money to which he may be entitled.

145. Whenever the owner or agent of a ship makes a refund under these rules direct to a pilgrim or to his nominee or legal representative and not through the Executive Officer of the Port Haj Committee of the port in British India, at which the pilgrim pro-

posed to embark or had embarked for the outward voyage, such owner or agent shall report to the said Executive Officer the following particulars, namely—

(1) the name and the father's name of the pilgrim ;

(2) the registration number (at the port of embarkation in British India) of the pilgrim-pass of the pilgrim;

(3) the name of the person to whom the passage money was refunded ;

(4) the amount of the refund ;

(5) the date on which the refund was made ; and

(6) the circumstances in which the refund was made.

146. Whenever His Majesty Representative at Jedda makes a refund of deposit money to a pilgrim or to his nominee or legal representative, the Executive Officer of the Port Haj Committee of the port at which the pilgrim had made the deposit under clause (*b*) of section 208A shall pay the amount of the deposit to His Majesty's Representative at Jedda on receipt from him of Part II of the pilgrim-pass of the pilgrim showing—

(*a*) the name of the person to whom the refund was made ;

(*b*) the date on which the refund was made ; and

(*c*) the circumstances in which the refund was made.

147. (1) If the sum deposited by a pilgrim under clause (*b*) of section 208A is not utilised for defraying the cost of his passage for the return voyage from Jedda and if such sum has not also been refunded either to the pilgrim or to his nominee or legal representative during eighteen months from the date on which the deposit was made by the pilgrim, the Executive Officer of the Port Haj Committee of the port in British India at which such pilgrim had embarked on the outward voyage shall, on receipt of Part II of the pilgrim-pass of the pilgrim, from His Majesty's Representative at Jedda, try to trace the pilgrim or his nominee or legal heir and, if the pilgrim or his nominee or legal heir is traced, refund to him the amount deposited by the pilgrim.

(2) If the return ticket of a pilgrim remains unclaimed with His Majesty's Representative at Jedda till the expiry of eighteen months from the date on which such return ticket was issued, the Executive Officer of the Port Haj Committee of the port in British India at which the pilgrim had embarked for the outward voyage shall, on receipt of the return ticket of the pilgrim from His Majesty's Representative at Jedda, try to trace the pilgrim or his nominee or legal representative and, if the pilgrim or his nominee or legal representative is traced, make over the return ticket to him so that he may claim from the owner or agent concerned any refund of passage money to which he may be entitled.

148. (1) The period after which an unclaimed deposit liable to be refunded shall become the property of Government shall be two years from the date on which the deposit was made.

(2) The amount of any unclaimed deposit which becomes the property of Government shall be credited to the Haj Fund at the disposal of the Port Haj Committee of the port in British India at which the deposit was made.

(3) The period after which unclaimed passage money liable to be refunded shall become the property of Government shall be two years from the last date of issuing a ticket during the outward pilgrim season during which the ticket in respect of which that passage money had been paid was issued.

(4) Within two months of the expiration of the period specified in sub-rule (3) the unclaimed passage money liable to be refunded shall be made over by the owner or agent to the Executive Officer of the Port Haj Committee of the port in British India at which such passage money had been paid by the pilgrim concerned and in order to facilitate the operation of this rule the owner or agent concerned shall, on the arrival and on the departure of each pilgrim ship, furnish to the Executive Officer of the Port Haj Committee of the port a list containing the names of all pilgrim return ticket holders travelling by such ship together with the registration numbers (at port of embarkation from British India) of the pilgrim-passes originally issued to such pilgrims.

(5) Any unclaimed passage money which becomes the property of Government shall, on receipt by the Executive Officer of the Port Haj Committee of a port in British India, be credited by such Executive Officer to the Haj Fund at the disposal of that Committee.

*Advertising of dates of sailings and payment of compensation to pilgrims for delay in sailing.*

149. The "Pilgrim Officer" for the purposes of sections 209B, 209C and 209D shall be the Executive Officer of the Port Haj Committee of the port or place of embarkation.

150. The proposed date of sailing and the place of destination of any ship, which is intended to sail on a voyage as a pilgrim ship from any port or place in British India and the price of each class of passage tickets shall be advertised under sub-section (3) of section 209B, by the master, owner or agent by a public notice in at least one English, one Urdu and one Bengali newspaper published in British India and also by beat of drum in the port or place of embarkation and in such other places as the master, owner or agent may deem necessary. A copy of the said public notice shall forthwith be sent by the master, owner or agent to the Pilgrim Officer.

151. The advertisement by public notice referred to in rule 150 shall be published not later than fifteen days before the intended date of sailing.

152. If a pilgrim ship fails to proceed from any port or place on the date advertised under sub-section (3) of section 209B as the proposed date of sailing therefrom, the master, owner or agent shall forthwith send to the Pilgrim Officer at the port or place at which the delay occurs a list showing the names of all pilgrims in each class who have paid their passage money on or before such date, with the serial numbers of their passage tickets and the registration numbers of the pilgrim-passes issued to them under sub-rule (1) of rule 124 or sub-rule (1) of rule 125 and shall also intimate to the Pilgrim Officer the subsequent date on which the ship is intended to sail. The Pilgrim Officer shall, on receipt of the intimation, issue a notice to the master, owner or agent specifying the sum payable to the pilgrims as compensation under sub-section (1) of section 209C at the rate of one rupee per pilgrim for each completed day during which the sailing has been delayed after the advertised date of sailing. The master, owner or agent shall, on receipt of the notice, forthwith pay to the Pilgrim Officer the specified sum on behalf of the pilgrims entitled thereto. The Pilgrim Officer shall, on receipt of the money, enter in the aforesaid list against the name of each pilgrim the compensation payable to him in respect of his detention, and shall pay the compensation to him at or before the time of embarkation and shall take a receipt from him against his name in the aforesaid list after checking the serial and register numbers entered against his name by the serial and register numbers of the passage ticket and the pilgrim-pass held by him. The pilgrim's ticket and pass shall be stamped to signify that payment has been made.

153. If the master, owner or agent is unable to despatch the ship on the subsequent proposed date of sailing intimated by him to the Pilgrim Officer under rule 152, he shall forthwith send to the Pilgrim Officer a revised list showing the names of all pilgrims in each class who have paid their passage money on or before such subsequent date, together with the serial numbers of their passage tickets and the registration numbers of their pilgrim-passes and shall intimate to the Pilgrim Officer the further subsequent date on which the ship is intended to sail. The Pilgrim Officer shall follow the procedure laid down in rule 152 for recovering from the master, owner or agent the further compensation payable to the pilgrims at the rate of one rupee per pilgrim for each completed day during which the sailing has been delayed after the the subsequent date of sailing intimated by the master, owner or agent under rule 152 and for paying the compensation at or before the time of embarkation to each pilgrim in respect of his detention.

154. If the whole or any part of the compensation due to a pilgrim cannot be paid to him at or before the time of embarkation, the Pilgrim Officer shall hand over the list referred to in rule 152 or 153, as the case may be, together with the sum so remaining unpaid, to the master of the ship, who shall, on taking a receipt in a separate list to be prepared by him, pay to each pilgrim at or before the time of disembarkation at the port of his destination, the sum due to him, in the manner laid down in rule 152, in the presence of a responsible officer deputed by His Majesty's Representative, at Jedda and hand over both the said lists and any money still remaining unpaid to that officer for transmission to the Pilgrim Officer concerned who shall credit the money to the Haj Fund at the disposal of the Port Haj Committee of the port.

*The Master, Owner, etc.*

155. The master shall give the notice required under section 151 in Form VI and shall produce, before the Inspector at the time of his inspection, a certificate in the following form :—

" Certified that the maximum number of pilgrims (excluding infants under one year) proposed to be carried and the accommodation to be reserved for each class are as follows :

" On the voyage of the pilgrim ship proceeding to .... .........

| Class of pilgrims. | Maximum number of pilgrims (excluding infants under one year) proposed to be carried | Accommodation to be reserved for each class. |
|---|---|---|
| Class I .. .. .. | | |
| " II .. ... .. | | |
| Pilgrims of the lowest class | | |

Dated____________________

(Signed).....................

Master. "

156. (1) The owner, agent or master of a ship engaged to carry more than 100 pilgrims shall appoint to it a medical officer licensed under rule 171. A second medical officer licensed under rule 171 shall similarly be appointed if the number of pilgrims exceeds 1,000.

(2) Every medical officer appointed under sub-rule (1) shall preferably be a Muslim and shall, if possible, be selected out of a panel or list recommended by the Haj Committee at the port of first departure.

(3) In the case of a ship engaged to carry more than 100 pilgrims, the owner, agent or master shall appoint at least one male attendant, and, if there are any female pilgrims to be embarked, one female attendant and, if possible, also a mid-wife or nurse, to assist the medical officer.

(4) The male and female attendants appointed under sub-rule (3) shall be Muslims competent to perform the work of *ghassal* and *ghassala*, respectively, on the occasion of the burial at sea of any pilgrims who may die on board. The mid wife or nurse appointed under sub-rule (3) shall preferably be a Muslim.

(5) In the case of a ship engaged to carry more than 400 pilgrims, the owner, agent or master shall appoint, in addition to the male and female attendants and mid-wife or nurse required under sub-rule (3), a compounder who shall preferably be a Muslim.

(6) The male and female attendants and the mid-wife or nurse to be appointed under sub-rule (3) as also the compounder to be appointed under sub-rule (5) shall be persons approved by the Health Officer of the port of first departure and arrangements shall be made to the satisfaction of the Inspector for providing them with adequate accommodation on board the ship.

157. The master shall afford the medical officer every facility for examining the provisions, water and medical stores, and for making himself generally familiar with the arrangements made for the accommodation of the pilgrims about to be carried.

158. The master shall cause the statements required by sections 196 and 199 to be prepared in Form VII.

159. The bond required by section 205 when a ship clears from any Port in British India other than Aden for any port in the Red Sea shall be executed in Form VIII.

160. Before sailing the master shall obtain from the Port Health Officer a bill of health in Form IX.

161. The bill of health given at the port of departure shall not be changed during the voyage. It shall be presented at each port of call for countersignature by

the Port Health Officer or other sanitary authority of the port and for entry thereon by such officer or authority of—

(*a*) the number of passengers embarked or disembarked at the port ;

(*b*) anything that has happened at sea affecting the life or health of the persons on board ; and

(*c*) the health conditions of the port of call.

162. The master, owner or agent shall place at a conspicuous place, accessible to pilgrims, a sealed box and writing materials to be provided by the Port Haj Committee of the port of departure so that pilgrims * may write any complaints that they may have and put the paper in the said box through an opening provided for this purpose. On arrival at the port of Jedda, the master shall make over the box, with its contents to a responsible officer deputed for this purpose by His Majesty's Representative at that port. In the case of a ship returning to a port in Brithsh India with pilgrims, the box, with its contents, shall, on the arrival of the ship at such port, be made over by the master to the Chiarman of the Port Haj Committee of the port.

163. The master shall post up in the between-decks and in such other places accessible to the pilgrims as may be convenient (*i*) a notice displaying the destination of the ship and the price of tickets. (*ii*) a notice stating that copies of the Act and these rules and the International Sanitary Convention of 1926 are available with the master of the ship, for reference by any pilgrim who desires to consult them, and (*iii*) all notices which he may be required so to post by any authorised officer at the port of first departure. All such notices and copies shall be in English and Urdu in the case of a ship sailing from Bombay or Karachi and in English and Bengali in the case of a ship sailing from Calcutta.

164. The master shall be responsible for the care of the pilgrims on the voyage. He shall see that the accommodation and amenities to which the pilgrims are entitled are secured to them throughout the voyage, that all pilgrims have access to the upper deck, that the space in the upper and between-decks is not encroached upon, that suitable hours are fixed for the regular issue of daily food to the pilgrims, that latrines are attended to by the ship's topases, that a supply of water is at hand for use in the latrines, and that every proper care is taken to secure cleanliness and good sanitary arrangements on board. The master shall comply as far as possible with all reasonable requisitions of the medical officer and shall enter in his log all measures taken during the voyage to control or prevent the spread of infectious disease. He shall, on demand, submit the log to the competent authority at any port of call or at the port of final destination.

165. The matter shall appoint one of the staff of the ship, who shall be a Muslim, to the charge of the provisions and stores, to see to the punctual issue to pilgrims, according to scale, of the day's food and water, and to assist the medical officer generally.

166. (1) When any pilgrim who is unaccompanied by any of his legal heirs dies on the voyage, the master shall call a *panch* composed, wherever possible, of four literate pilgrims and the medical officer on board the ship and shall make an inventory of the effects of the deceased, adding such particulars as to the name and residence of the deceased and the names and addresses of the legal heirs and nearest relations in India as he may be able to gather.

(2) The inventory and particulars prescribed by sub-sule (1) shall be signed by the master and attested by the members of the said *panch* and the master shall then take charge of the effects of the deceased.

(3) If the ship returns direct from the Hedjaz to any British Indian port, the master shall immediately on the ship arriving in such port, forward the effects of the deceased with the said inventory and particulars to the Excutive Officer of the Port Haj Committee of the port in British India at which the deceased pilgrim had embarked.

(4) If the death occurs on the voyage to the Hedjaz, and the ship does not return direct to British India, the master shall make over the effects, with the said inventory and particulars as above, to His Majesty's Representative at Jedda for transmission to the Excutive Officer of the Port Haj Committee of the port in British India at which the deceased pilgrim had embarked.

167. The master shall cause the supplementary statement, required by section 198 when additional pilgrims are taken on board at an intermediate port, to be prepared

* Pilgrims are advised to bring their complaints to the notice of the master of the ship in the first instance and to record them in writing if the master does not take due notice of them.

in Form VII, the heading being altered to "Supplementary Statement required by section 198 of the Indian Merchant Shipping Act, 1923."

168. In the event of a death occurring during the voyage, the master shall enter the fact opposite the name of the deceased on the statement referred to in rule 158 or the supplementary statement referred to in rule 167, as the case may be, and shall also enter in the log the name of the deceased, his age, the place from which he came, the certified cause of death and the date of death.

169. In the event of a pilgrim disembarking during the voyage, the master shall note the fact opposite the pilgrim's name on the statement referred to in rule 158 or on the supplementary statement referred to in rule 167 as the case may be.

170. If His Majesty's Representative at Jedda so directs, the master of a ship returning to a port in British India shall put in at such sanitary station as His Majesty's Representative may specify.

*The Medical Officer.*

171. (1) The medical officer of every pilgrim ship required by the Act to carry a medical officer shall be licensed by the local Government and appointed by or on behalf of the owner of the pilgrim ship. Every person desiring to obtain a license* to act as such medical officer shall apply for a license to the Health Officer of the port of first departure. At Jedda such license may be granted, for the return voyage only, by His Majesty's Representative, at that port.

(2) The license shall be renewable yearly, and shall be in Form X.

(3) A person shall not be eligible for appointment as medical officer unless he—

(a) is able to write English, and

(b) (i) holds a medical qualification registered in the United Kingdom, or

(ii) holds a degree or license of a University constituted by law in British India, and is registered in British India, or

(iii) is a Fellow or Member of the Bombay College of Physicians and Surgeons or of the State Medical Faculty of Bengal or of the State Medical Faculty of the Punjab and registered in British India, or

(iv) is a Military Assistant Surgeon who has passed the special examination conducted by the Director-General, Indian Medical Service, prior to 1922 and is registered in British India.

172. The medical officer shall, if not already attached to the ship, immediately on his being appointed to it, proceed on board, report himself to the master, examine and check the medicines and medical stores, and inform himself generally as to the arrangements made for the accommodation of the pilgrims.

173. The medical officer shall be present at the final inspection, and, after it has been held and the ship and her arrangements approved, he shall, if satisfied regarding arrangements for the care and comfort of the pilgrims made in accordance with the rules, furnish a certificate to that effect in Form IV countersigned by the master of the ship.

174. The medical officer shall provide himself with all the necessary instructions and forms required for the voyage.

175. The medical officer shall attend any medical officer appointed to inspect the pilgrims before embarkation for the purposes of section 206, or after embarkation for the purposes of section 207 and shall, with a view to special care or precautions on the voyage, watch those who may appear to be in an infirm or sickly state, and make a note regarding them in his diary.

176. The medical officer shall not leave the ship after the medical inspection has been completed. He shall advise and assist the master in the discharge of the responsibilities mentioned in rule 164. He shall satisfy himself that the food supplied to pilgrims is of good quality and properly prepared.

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*In granting such licenses preference should be given to medical graduates or licentiates of a University or other recognised licensing body, provided they are men of good character, possess some experience and know Urdu in the case of a ship sailing from Bombay or Karachi or Bengali in the case of a ship sailing from Calcutta.

177. The medical officer shall satisfy himself that any additional passenger waiting to be taken on board at an intermediate port is not suffering from, or shows no signs or symptoms of, choleraic indisposition or any disease which is, in his opinion, dangerously infectious or contagious.

178. During the voyage from any port in British India (except Aden) the medical officer shall for the first five days daily inspect the pilgrims and observe them individually to assure himself that none of them is affected with cholera, small-pox, yellow fever or plague.

179. The medical officer shall, if he has any doubt as to the quality of the drinking water, draw the attention of the master, in writing, to the provisions of rule 94.

180. The medical officer shall, in the event of any case of infectious or contagious disease occurring, satisfy himself that disinfection is performed in the manner prescribed by rule 113 and shall record in his diary the fact that he has done so.

181. (1) The medical officer shall keep up regularly, from day to day throughout the voyage, the following records in connection with his duties, namely :—

(*a*) a medical diary of the principal events of the voyage briefly and accurately recording all facts in connection with the medical history of the pilgrims, including a record of any advice he may give to the master, and of compliance with or neglect of, such advice ;

(*b*) an admission and Discharge Book of every case brought under treatment in Form XI ; and

(*c*) a Register of Deaths in Form XII.

(2) The medical officer may, at his discretion, maintain a register of prescriptions given for in-patients and out-patients.

(3) These records shall be written in English.

182. (1) On arrival at the port of debarkation in the Red Sea the medical officer shall submit a copy of his diary and returns to the British Consular Authority at that port and shall simultaneously forward the diary and returns in original to the Inspector at the port in British India from which the voyage commenced. On arrival at any British Indian port the medical officer shall submit his diary and returns to the Chief Customs Officer or to any other officer authorised under section 199 to receive the statements referred to in that section and shall simultaneously forward a copy of the diary and returns to the British Consular Authority at the port in the Read Sea from which the ship arrived.

(2) The Port Haj Committee of a port in British India shall have access to the diary submitted by the medical officer under sub-rule (1).

*Penalty.*

183. Whoever does any act in contravention of any of the provisions of these rules shall be punishable with a fine which may extend to three hundred rupees, and when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

## FORM I.

(SEE RULE 4.)

## CERTIFICATE " A ".

**S. S.**

**of**

**Official Number**

**Date of Issue**

## CERTIFICATE " A ".

(Issued under Section 154 of Act XXI of 1923.)

ISSUED BY THE GOVERNMENT OF INDIA.

I,                                        , duly appointed and authorised to grant certificates under Sections 151 and 157 of Act XXI of 1923, do hereby certify that the undermentioned ship, being a pilgrim ship within the meaning of Act XXI of 1923, and now riding at anchor at                                        is seaworthy, properly equipped, fitted and ventilated, and that she is capable of carrying the number of pilgrims as detailed below.

### SHIP.

| Name and official number. | Port of Registry. | TONNAGE. Gross. | TONNAGE. Net. | Single, twin, triple or quadruple screw. Registered horse power. | Registered length of ship. |
|---|---|---|---|---|---|
| | | | | | |

Name and address of owner or agent.

### LIFE-SAVING APPLIANCES.

| Description. | Number. | Number attached to davits. | Cubic contents in feet. | Number of persons they will accommodate | Number of sets of davits. |
|---|---|---|---|---|---|
| Motor boats .. .. | | | | | |
| Hand-propelled boats .. | | | | | |
| Class I open boats .. | | | | | Number of Life Jackets. |
| Class I pontoon boats .. | | | | | |
| Class II open boats .. .. | | | | | |
| Class II pontoon boats .. | | | | | |
| Class III boats .. .. | | | | | |
| BUOYANT APPARATUS. | | | | | |
| | | | | | Number of Life Buoys. |

### HOSPITAL.

| Permanent on Upper Deck. | | | Temporary on Upper Deck. |
|---|---|---|---|
| Number of Bunks. | Superficial Deck Area. | Cubic feet of air space. | Number of Superficial Feet reserved. |
| | | | |

## SPACE AVAILABLE FOR PILGRIMS.

| Space available for pilgrims— (a) Cabins or State rooms. (b) Between Decks. | Total sq. feet. | Number of pilgrims. |
|---|---|---|
| | | |

Dated at.................this...........day (Sd.)

*Certifying Officer.*

of..........................19

Port of....................

This certificate remains in force............................................

NOTE.—1. If the number of pilgrims carried exceeds the number stated in this Certificate, the master and owner shall, for every pilgrim over and above that number, be each liable to a fine which may extend to fifty rupees, and the master shall further be liable to imprisonment for a term which may extend to one week in respect of each such pilgrim.

2. A copy of this Certificate shall be kept posted up in a conspicuous part of the ship throughout the voyage so as to be visible to persons on board.

## FORM II.

(SEE RULE 4.)

## CERTIFICATE " B ".

**S. S.**
**of**
**Official Number**
**Date of Issue**

## CERTIFICATE " B ".

**(Issued under Section 155 of Act XXI of 1923.)**

| Name and Official number. | Nationality. | Tonnage. Gross. | Tonnage. Net. | Date of expiry of Certificate of Survey. |
|---|---|---|---|---|
| | | | | |

| Mean draught of water and free board. | | |
|---|---|---|
| **Port of Departure.** | **Ports of Call.** | **Destination.** |
| | | |

## Master and Officers.

| Rank. | Name in full. | Number of Certificate. | Grade. |
|---|---|---|---|
| Master .. | | | |
| First Mate .. | | | |
| Second Mate .. | | | |
| First Engineer .. | | | |
| Second Engineer .. | | | |

**Medical Officers.**

1 ____________

2 ____________

**Equipment.**

| Number of compasses. | Number of chronometers. | Number of sextants or quadrants. | Number of Barometers. |
|---|---|---|---|
| | | | |

| Number of anchors and cables. | Quantity of fresh water in tanks. | Quantity of fresh water in double bottoms. |
|---|---|---|
| | ..........Imperial Gallons. | ..........Imperial Gallons. |

**Boats and Life Saving Appliances.**

..........Boats capable of accommodating .. .. persons.
..........Motor or Fleming Gear Boat accommodating persons.
..........Buoyancy apparatus .. .. .. persons.
..........Life Buoys .. .. ..
..........Life Jackets .. .. ..

**Nature of cargo on board.**

____________

____________

**Number of Pilgrims and Crew on board.**

| Cabin Pilgrims* | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Adults 12 years and upwards. | | Children between one and 12 years. | | Infants under one year. | Total Cabin Pilgrims. | Equal to adults computed by Part IV, Indian Merchant Shipping Act, 1923. | Number of cabin pilgrims for whom space still remains available. |
| Male. | Female. | Male. | Female. | | | | |
| | | | | | | | |

| Deck Pilgrims.* | | | | | | | |
|---|---|---|---|---|---|---|---|
| Adults 12 years and upwards. | | Children between one and 12 years. | | Infants under one year. | Total Deck Pilgrims. | Equal to adults computed by Part IV, Indian Merchant Shipping Act, 1923. | Number of deck pilgrims for whom space still remains available. |
| Male. | Female. | Male. | Female. | | | | |
| | | | | | | | |

Total number of pilgrims, exclusive of infants under one year, for which the ship is measured.

| Crew. | | | Total crew. | Equal to adults computed by Indian Merchant Shipping Act, 1923. |
|---|---|---|---|---|
| Deck. | Engine Department. | Stewards Department. | | |
| | | | | |

I, , duly appointed and authorised to grant Certificates under Sections 151 and 157 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), do hereby Certify :—

(1) That I am satisfied that the particulars relating to the being a Pilgrim Ship within the meaning of the above Act, in the above statement are correct.

(2) That she has the proper complement of officers and seamen.

(3) That the provisions, and pure water and other stores prescribed for such ships by the rules under the said Act, are of good quality and properly stowed or packed, and are sufficient according to the scale for the time being fixed by the said rules ; and that the said provisions and water

*Names of the pilgrims are given in the Appendix to this certificate.

are sufficient for days, the probable duration of the said voyage, and also sufficient to provide the pilgrims with food in the event of an accident to her machinery.

(4) That the cooking hospital, washing and latrine accommodation is sufficient and suitable.

(5) That the coal/oil on board amounts to tons and is sufficient to take the ship to her next supply port.

(6) That the Master holds Certificate " A ".

(7) To the best of my knowledge there is no cargo on board contrary to the provisions of rule 106 or which, from its quantity, quality, or mode of stowage, is likely to prejudice the health or safety of the pilgrims.

(8) That she is propelled principally by steam and is of the tonnage and steam power prescribed.

(9)* That she has on board the medical officer [or officers, as the case may be] required by section 201 of the Act and the attendants prescribed by rule 156 of the rules thereunder.

(10) That she has on board the necessary materials for the construction of temporary hospital on the upper deck in accordance with the rules.

(11) That the full space required by the said Act has been appropriated for the above mentioned pilgrims in the between decks as well as on the upper (weather) decks.

(12) That the ship is properly ballasted.

Dated at .................. this ...... day (Sd.)

*Certifying Officer.*

of ..................... 19 . Port of.............

*Only in the case of ships to carry more than 100 pilgrims.

## APPENDIX TO CERTIFICATE " B ".

| | Names of male pilgrims. | | | Names of female† pilgrims. | | | Number of infants under one year. | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1st class. | 2nd class. | Lowest class | 1st class. | 2nd class. | Lowest class. | 1st class. | 2nd class. | Lowest class. |
| Total.. | | | | | | | | | |

†In the case of a married female or a widow, the name of her husband or deceased husband, with the words " wife of " or " widow of ", as the case may be, prefixed, should be given.

(Sd.)

## FORM III.

(SEE RULE 4.)

## SUPPLEMENTARY CERTIFICATE " B "

S. S.

of

Official Number

Date of Issue

## SUPPLEMENTARY CERTIFICATE " B ".
### (Issued under Section 198 of Act XXI of 1923.)

Port of call at which the certificate is issued.

Number of Pilgrim,* disembarked at the port.

Cabin Pilgrims.

| Adults, 12 years and upwards. | | Children between one and 12 years. | | Infants under one year. | Total cabin pilgrims disembarked. | Equal to adults computed by Part IV, Indian Merchant Shipping Act, 1923. |
|---|---|---|---|---|---|---|
| Male. | Female. | Male. | Female. | | | |
| | | | | | | |

Deck Pilgrims.

| Adults, 12 years and upwards. | | Children between one and 12 years. | | Infants under one year. | Total deck pilgrims disembarked. | Equal to adults computed by Part IV, Indian Merchant Shipping Act, 1923. |
|---|---|---|---|---|---|---|
| Male. | Female. | Male. | Female. | | | |
| | | | | | | |

Number of additional pilgrims† embarked at the port.

Cabin Pilgrims.

| Adults, 12 years and upwards. | | Children between one and 12 years. | | Infants under one year. | Total additional cabin pilgrims embarked. | Equal to adults computed to Part IV, Indian Merchant Shipping Act, 1923. |
|---|---|---|---|---|---|---|
| Male. | Female. | Male. | Female. | | | |
| | | | | | | |

Deck Pilgrims.

| Adults, 12 years and upwards. | | Children between one and 12 years. | | Infants under one year. | Total additional deck pilgrims embarked. | Equal to adults computed by Part IV, Indian Merchant Shipping Act, 1923. |
|---|---|---|---|---|---|---|
| Male. | Female. | Male. | Female. | | | |
| | | | | | | |

*Names of the Pilgrims are given in Appendix I to this certificate.

†Names of the pilgrims are given in Appendix II to this certificate.

I, , duly appointed and authorised to grant Certificates under Sections 151 and 157 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), do hereby certify :—

(1) that I am satisfied that the particulars relating to the being a Pilgrim ship within the meaning of the above Act, in the above statement are correct.

(2) That the provisions and pure water and the other stores prescribed for such ships by the rules under the said Act, are of good quality and properly

stowed or packed, and are sufficient according to the scale, for the time being fixed by the said rules, and that the said provisions and water are sufficient for days, the declared duration of the said voyage, and also sufficient to provide the pilgrims with food in the event of an accident to her machinery.

Dated at this day

of 19 .

(Sd.)

*Certifying Officer.*

*Port*

## APPENDIX I TO SUPPLEMENTARY CERTIFICATE "B".

| | NAMES OF MALE PILGRIMS DISEMBARKED. | | | NAMES OF FEMALE * PILGRIMS DISEMBARKED. | | | NUMBER OF INFANTS UNDER ONE YEAR DISEMBARKED. | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1st class. | 2nd class. | Lowest class. | 1st class. | 2nd class. | Lowest class. | 1st class. | 2nd class. | Lowest class. |
| Total .. | | | | | | | | | |

*In the case of a married female or a widow, the name of her husband or deceased husband, with the word "wife of" or "widow of", as the case may be, prefixed, should be given.

(Sd.)

## APPENDIX II TO SUPPLEMENTARY CERTIFICATE "B".

| | NAMES OF MALE PILGRIMS EMBARKED. | | | NAMES OF FEMALE * PILGRIMS EMBARKED. | | | NUMBER OF INFANTS UNDER ONE YEAR EMBARKED. | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1st class. | 2nd class. | Lowest class. | 1st class. | 2nd class. | Lowest class | 1st class. | 2nd class. | Lowest class. |
| Total .. | | | | | | | | | |

*In the case of a married female or a widow, the name of her husband or deceased husband, with the words "wife of" or "widow of", as the case may be, prefixed, should be given.

(Sd.)

## FORM IV.

(SEE RULE 6.)

### *Form of Medical Officer's Certificate.*

Certified that I have by careful inspection satisfied myself in regard to the arrangements that have been made in accordance with the requirements of the rules relating to pilgrim ships proceeding to the Hedjaz for the care and comfort of the pilgrims about to be carried in the pilgrim ship proceeding to ; and that I was present with the Inspecting Officer at his final inspection of the arrangements, held on the of 19 .

*Dated*

(Sd.)

*Medical Officer*

*Incharge of Pilgrim Ship.*

Countersigned.

*Master of Pilgrim Ship.*

INDIAN (a)
FOREIGN

FORM V.
(SEE RULE 124.)
GOVERNMENT OF INDIA.
PILGRIM-PASS
for pilgrims proceeding to the Hedjaz from ports in British India.
PART I
(to be retained by the holder throughout the journey).

Port of embarkation. Registration Number at port of embarkation.

British Legation, Jedda. Registration Number at Jedda.

Particulars regarding the holder.

| Name (b). | Father's name (b). | Nationality. | Sex and age. | Occupation. | Full postal address. | Name, father's name and nationality of pilgrim, if any, whom holder is accompanying on the Hajj (c). | Name and postal address of holder's nominee or legal representative (see Rule 140). | Distinctive marks, or thumb-impressions, or signature, or photo of holder (d). |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

(a) Strike out the word which is inapplicable.
(b) If the holder be a married female or a widow, the name and father's name of her husband or deceased husband should be given and the words "wife of" or "widow of", as the case may be, should be prefixed.
(c) These particulars should be filled in when the holder is a child under 16 years or a female.
(d) To be filled in only in the case of male pilgrims.

| Particulars concerning anti-cholera inoculation certificate. (To be filled, if possible, at the time of the issue of the pilgrim-pass; otherwise at the time of registration at the port of embarkation). | | | | Particulars concerning anti-small-pox vaccination certificate. (To be filled, if possible, at the time of the issue of the pilgrim-pass; otherwise at the time of registration at the port of embarkation.) | | | |
|---|---|---|---|---|---|---|---|
| Place of issue. | Date of issue. | Name and designation of person who issued the certificate. | Name and designation of person, if any, who countersigned the certificate. | Place of issue. | Date of issue. | Name and designation of person who issued the certificate. | Name and designation of person, if any, who countersigned the certificate. |
| | | | | | | | |

Endorsement by His Majesty's Representative at Jedda regarding the receipt of Part II of the pilgrim-pass and of the pilgrim's return ticket (if any).

*Instructions for pilgrims.*

(i) This pilgrim-pass is not transferable and is liable to confiscation if found in the possession of any person other than the rightful holder.

(ii) Pilgrims are advised to affix their recent photo in the spaces provided for this purpose in Parts I and II as this facilitates their identification.

(iii) Every pilgrim is required to present his pass for registration to the Executive Officer of the Port Hajj Committee of the port of embarkation in India.

(iv) Every pilgrim is also required, on landing at Jedda, to get his pass registered at the British Legation, Jedda, and to deliver to His Majesty's Representative, Part II of his pass also his return ticket, if any, for safe custody.

[This Pilgrim-Pass, issued by the authority of the Viceroy and Governor-General of India in Council, requests and requires all those whom it may concern to afford the person above-named going on the Hajj, all needed assistance and protection.

By order of the Governor General of India in Council,
(Sd.)
*Secretary to the Government of India in the Department of Education, Health and Lands.*]

[ ] To be struck out in the case of non British subjects.

Issued at
On

*Signature of issuing officer.*
*Designation of issuing officer.*

INDIAN
FOREIGN

GOVERNMENT OF INDIA.
PILGRIM-PASS
or pilgrims proceeding to the Hedjaz from ports in British India.
PART II
(to be delivered by the holder, on landing at Jadda, to His Majesty's Representative at that port, for safe custody).

Port of embarkation. Registration Number at port of embarkation.

British Legation, Jedda. Registration Number at Jedda.

Particulars regarding the holder.

| Name. | Father's name. | Nationality. | Sex and Age. | Occupation. | Full postal address. | Name, father's name and nationality of pilgrim, if any, whom holder is accompanying on the Hajj. | Name and postal address of holder's nominee or legal representative (see Rule 140). | Distinctive marks, or thumb-impressions, or signature, or photo of holder. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

| | |
|---|---|
| Particulars regarding provision, if any, made for the holder's return voyage to India (see Rules 126 and 131). | |
| If any pilgrim is exempted from the requirements of section 208-A, reasons should be stated (see Rule 127). | |
| Class and serial number of ticket for outward voyage (see rule 131). | |
| Name of ship by which outward voyage is to be performed (see Rule 131). | |
| Serial number of ticket for return voyage. | |
| Name of ship by which return voyage is to be performed. | |
| Date on which ship, by which return voyage is to be performed, is due to sail from Jedda. | |

Particulars regarding final disposal of holder's deposit, if any, under clause (b) of Section 208-A.

| When deposit is refunded. [See Rules 138(4), 139(2), 141(2), 142(2), and 146.] | | | | When deposit is paid to defray cost of return passage. [See Rule 136(4).] | | | When claimed deposit is credited to Fund (Rule 148). |
|---|---|---|---|---|---|---|---|
| Designation of officer making the refund. | Date of refund. | Name of person receiving refund. | Reasons for making refund. | Designation of officer making the payment. | Date of payment. | Name of person to whom the refund is made. | Date of credit to Hajj Fund. |
| | | | | | | | |

## FORM VI.

(SEE RULE 155.)

*Notice to be given by master, owner or agent under section 151 of the Indian Merchant Shipping Act, 1923.*

I,* , hereby give notice that the steamship register tonnage tons, being a pilgrimship within the meaning of the Indian Merchant Shipping Act, 1923, and being capable of carrying pilgrims, will leave the port of on a voyage to on the day of 19 .

*Here insert name of master, owner or agent.

## FORM VII.

(SEE RULE 158.)

*Statement to be furnished by the master of every pilgrimship under section 196 of the Indian Merchant Shipping Act, 1923, of the crew and pilgrims proceeding in the bound to or under section 199 of the crew and pilgrims on board the on arrival at*

| Crew. | Number. |
|---|---|
| Master .. .. .. .. .. .. .. | |
| Officers .. .. .. .. .. .. | |
| Engineers .. .. .. .. .. .. | |
| Deck crew .. .. .. .. .. .. | |
| Engine-room crew .. .. .. .. .. .. | |
| Servants .. .. .. .. .. | |
| Total .. | |

*Pilgrims.*

| | Names of Male Pilgrims. | | | Names of Female Pilgrims. | | | Number of infant (if any) under one year of age accompanying pilgrims entered in preceding columns. | | | Total number of pilgrims, excluding infants under one year, the ship is allowed to carry. |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1st class. | 2nd class. | Lowest class. | 1st class. | 2nd class. | Lowest class. | 1st class. | 2nd class. | Lowest class. | |
| | | | | | | | | | | |
| Total .. | | | | | | | | | | |

*Master,*

*The 19 .*

*Officer appointed under Section 151, Act XXI of 1923.*

## FORM VIII.

(SEE RULE 159.)

*Bond executed pursuant to the provisions of Section 205 of the Indian Merchant Shipping Act, 1923 (XXI of 1923).*

KNOW ALL MEN BY THESE PRESENTS that I/we of Managing Agents of whose registered office is in the Master/Owners/Agents of the S. S. registered at the Port of as the Principal and we of and* of (in † our individual and personal capacity) as sureties are held and firmly bounden to the Secretary of

* The Agents of the vessel.

† Omit if agents have not signed as principal on behalf of owner.

State for India in Council (hereinafter called "the Secretary of State") in the sum of ten thousand rupees of lawful money of British India to be paid to the Secretary of State, his successors or assigns, for which payment well and truly to be made, we bind ourselves, our heirs, successors and legal representatives jointly as well as severally firmly by these presents sealed with our respective seals dated this day of in the Christian year One thousand nine hundred and

And each of us, the said Principal and the two sureties aforesaid do hereby for himself, his heirs, successors and legal representatives covenant with the Secretary of State that this obligation shall be fulfilled and all moneys payable hereunder shall be paid to the Secretary of State within the Ordinary Original Civil Jurisdiction of the High Court of Judicature at Bombay/Calcutta.

WHEREAS the abovenamed steamship of which is the Master and is the Senior Medical Officer is about to sail from for the port of in the Red Sea carrying pilgrims to the Hedjaz and will be trading to and fro in the Pilgrim Traffic throughout the current pilgrim season AND WHEREAS in accordance with Section 205 of the Indian Merchant Shipping Act (hereinafter called "the Act") before Port clearance is granted to the said Vessel it is necessary that this Bond should be executed conditioned (*a*) that the vessel if so required by an order under Section 208 of the Act shall touch at Aden and shall not leave the Port of Aden without having obtained from the proper authority a certificate as required by the said Section 208 stating whether any case of cholera has or has not occurred on board since the said Vessel left the port of last departure and (*b*) that the Master and Medical Officer or Officers, (if any) shall comply with the provisions of Part IV of the Act and the Rules made thereunder and (*c*) that the Principal shall pay to the Pilgrim Officer on behalf of the Secretary of State any sum or sums from time to time during this voyage and during subsequent voyages throughout the current pilgrim season claimed by the Pilgrim Officer on behalf of the Governor-General in Council under and in pursuance of the provisions of section 209A of the Act, a copy whereof is set out below. .. .. .. ..

Now the condition of the above written bond or obligation is such that if th Principal complies in all respect with the said hereinbefore recited undertaking and further that if the said Vessel and the Master and Medical Officer of the said Vessel shall comply with the provisions of Part IV of the Act (including section 209-A) and with all other obligations and duties prescribed by the Act THEN the above written bond or obligation shall be void but otherwise shall in all respects remain in full force and effect.

} Principal.

} Sureties.

SIGNED SEALED and DELIVERED by the abovenamed as Principal in the presence of—

SIGNED SEALED and DELIVERED by the abovenamed in the presence of—

SIGNED SEALED and DELIVERED by the abovenamed in the presence of—

I hereby certify that the above Bond was delivered in accordance with the provisions of Section 205 of the Indian Merchant Shipping Act, XXI of 1923.

Port Officer of

*Section 209A of the Indian Merchant Shipping Act, 1923 (XXI of 1923).*

209A. (1) Where any pilgrim who has been carried to the Hedjaz by a pilgrim-ship with a return ticket issued in British India within the previous eighteen months is owing to his inability to obtain accommodation on a ship for which the return ticket is available, detained at Jeddah for a longer period than twenty-five days from the day on which he presents his ticket to His

Cost of return journey of pilgrims on ships other than those for which return ticket is available.

Majesty's Representative at Jeddah, notifying his desire to embark for the return passage, the master, owner or agent of the ship in which such pilgrim was carried to the Hedjaz shall pay to the Governor-General in Council in respect of such pilgrim such sum not exceeding double the whole sum received by such master, owner or agent in respect of the return ticket as the Governor-General in Council claims as the cost of repatriating the pilgrim, together with a sum of one rupee for each day after the expiry of the twenty-five days aforesaid during which the pilgrim has been detained at Jeddah :

Provided that, for the purpose of computing the said period of twenty-five days, no period shall be taken into account during which the ship is prevented from carrying pilgrims on the return passage by reason of the port of Jeddah having been declared by proper authority to be infected or by reason of war disturbance or any other cause not arising from any act or default of the master, owner or agent.

Provided further that in the case of any pilgrim whose ticket has been deposited with His Majesty's Representative at Jeddah the said period of twenty-five days shall, during the period of six weeks following the Haj day, be reduced to fifteen days beginning on the day on which such pilgrim notifies to His Majesty's Representative at Jeddah his desire to embark for the return passage.

(2) A certificate of such detention purporting to be made and signed by His Majesty's Representative at Jeddah shall be received in evidence in any court in British India without proof of the signature or of the official character of the person who has signed the same.

---

## FORM IX.

(SEE RULE 160.)

*Form of Bill of Health.*

This is to certify that the pilgrim ship                    sailing under the                    flag and under the command of Captain                    (medical officer                    ) of                    tons, bound for                    with crew of                    persons* and                    pilgrims and laden with a cargo of                    is at the time of leaving this port in a satisfactory sanitary condition, and that no case of cholera or infectious disease, dangerous to life exists among the officers, passengers, pilgrims or crew, who have been examined by day on shore before embarkation and found free from plague.

It is further certified that the town and port of                    are at present free from† epidemic cholera, plague, yellow fever and all other dangerous epidemic disease.

The clothing and bedding of the native crew and of the pilgrims have been disinfected on shore.

The vessel has been completely cleansed, and, before the embarkation of the pilgrims, was also—

(a) on (date)                    , freed from rats by means of the Clayton apparatus.

‡(b) on (date)                    , found after inspection to be free from rats and, in my opinion, does not require to be subjected again to the process of deratisation for the voyage on which she is now proceeding.

| | | | | | |
|---|---|---|---|---|---|
| Pilgrims .. | Men | .. | .. | .. | .. |
| | Women | .. | .. | .. | .. |
| | Boys | .. | .. | .. | .. |
| | Girls | .. | .. | .. | .. |
| | Infants | .. | .. | .. | .. |
| Total No. .. | | .. | .. | .. | .. |

The ship is measured for                    pilgrims exclusive of infants under one year.

*Including officers and able-bodied seamen.

†Or as the case may be.

‡This clause should be struck out if the ship has been deratised immediately before embarkation and departure.

(Sd.)

*Health Officer.*

*Port*

## FORM X.

[SEE RULE 171 (2).]

*Form of License to be granted to Medical Officers incharge of Pilgrims.*

The bearer of this , holding a certificate to practise medicine and surgery. from is licensed to have medical charge of pilgrims going to or returning from the Hedjaz under the provisions of the Indian Merchant Shipping Act, 1923, . This license holds good for one year from this date.

Dated—

[*Here enter seal of office.*]

*Signature of recipient.*

(Sd.)

*Health Officer.*

*Port.*

## FORM XI.

[SEE RULE 181 (1) (*b*)].

*Medical Admission and Discharge Book.*

| Serial number of cases. | Name. | Sex. | Age. | Disease or cause of Admission. | Dates of — Admission. | Dates of — Discharge or recovery. | Dates of — Death. | Number of hours or days under treatment. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |

## FORM XII.

[SEE RULE 181 (1) (*c*).]

*Register of Deaths.*

| Serial number. | Name. | Sex. | Age. | Time of occurrence. — Date. | Time of occurrence. — Hour. | Cause. | REMARKS. |
|---|---|---|---|---|---|---|---|
| .. | .. | .. | | .. | | | |
| .. | .. | .. | | .. | | | |
| .. | .. | .. | | .. | | | |
| .. | .. | .. | | .. | | | |
| .. | .. | .. | | .. | | | |

The 17th October 1933.

**No. F.-16-1/33-G.**—In exercise of the power conferred by sub-section (1) of section 193 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), and in supersession of the orders contained in the notification of the Government of India in the Home Department, No. 2145, dated the 17th September 1897, the Governor-General in Council is pleased to order that the number of superficial and cubic feet of space to be available for each pilgrim in the between-deck on which he is accommodated shall be sixteen and ninety-six respectively.

RAM CHANDRA,

Joint-Secretary to the Government of India.

1281 CS—798 -3-11-33 -SGPP Lahore

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, NOVEMBER 10, 1933.

## PART II.

### Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, OCTOBER 14, 1933.

### HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Simla, the 12th October 1933.

**No. F. 49/17/33.**—It is hereby notified for general information that the **Governor-General** in Council has been pleased to determine that the Superintendent of Manufacture, Clothing Factory, Shahjahanpore, shall take rank in article 49 of the Warrant of Precedence for India.

T. SLOAN,

Joint Secretary to the Government of India.

### DEPARTMENT OF COMMERCE.

NOTIFICATIONS.

REGISTRATION OF ACCOUNTANTS.

Simla, the 14th October 1933.

**No. 1 (5)-T. & E. (R. A.)**—In exercise of the powers conferred by sub-section (2) of section 144 of the Indian Companies Act, 1913 (VII of 1913), the Governor-General in Council is pleased to direct that the following amendments, having been previously

published as required by the said sub-section, shall be made in the Auditor's Certificates Rules, 1932, namely :—

(1) For clause (4) of rule 4 of the said Rules the following clause shall be **substituted**, namely :—

"(4) has been convicted by a competent court, whether within or without British India, of an offence punishable with transportation or imprisonment unless the offence of which he was convicted has been pardoned or unless, on an application made by him, the Governor-General in Council has, by order in this behalf, removed the disability, or ;"

(2) In sub-rule (1) of rule 14 of the said Rules—

(*i*) at the end of clause (*a*) the word "or" shall be added ;

(*ii*) for clause (*b*) the following clause shall he substituted, namely :—

"(*b*) who is found to have been subject at the time of his enrolment, or thereafter has become subject, to any of the disabilities stated in clauses (1), (2), (3) and (4) of rule 4 ; or"

(3) For clause (*b*) of rule 22 of the said Rules the following clause shall be **substituted**, namely :—

(*b*) has passed an examination entitling him to enter upon a course of studies at a University constituted by law in British India or the University of Mysore or the Osmania University or an examination recognised by the Governor-General in Council as equivalent thereto and produces a certificate from the head of an institution recognised for the purpose by the Governor-General in Council or an institution recognised by the Accountancy Diploma Board, Bombay, under the regulations for the award of the Government Diploma in Accountancy, that he has, subsequently to passing such examination, studied for a period of one academic year at such an institution and is fit to present himself for the examination."

(4) To clause (*b*) of rule 25 of the said Rules, the following words shall be **added** namely :—

"or is exempt from service under articles".

(5) In sub-rule (2) of rule 38 of the said Rules for the words "seven years and" the words "seven years or" shall be substituted.

(6) In rule 55 of the said Rules, for clause (*a*) the following clause shall be substituted, namely :—

"(*a*) if he is found to have been subject at the time of his appointment to the Board or thereafter has become subject, to any of the disabilities stated in clauses (1), (2), (3) and (4) of rule 4, or".

**No. 35 (1)-T. & E. (R. A.).**—In pursuance of rule 39 of the Auditor's Certificates Rules, 1932, it is hereby notified that the Governor-General in Council has been pleased to remove from the List of Approved Accountants published with this Department's notification No. 33 (1)-T. & E. (R. A.), dated the 1st July 1933, the name of the following gentleman who has ceased to practise as a public accountant in India, namely :—

"Mr. Norcliffe Fourness Thompson, R.A., Chartered Accountant, Messrs. Price, Waterhouse, Peat & Company, B. 4, Clive Buildings, 8, Clive Street, Calcutta."

T. A. STEWART,

Offg. Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, OCTOBER 28, 1933.

## LEGISLATIVE DEPARTMENT.

### NOTIFICATIONS.

New Delhi, the 26th October 1933.

**No. F.-103-III/33-C. & G.**—The Governor-General is pleased to accept the resignation by Mr. A. A. McC. Mitchell of his office of Member of the Legislative Assembly.

No. F.-103-III/33-C. & G.—In pursuance of the provisions of sub-rule (2) of rule 26 of the Legislative Assembly Electoral Rules, the Governor-General is pleased to nominate Khan Bahadur Mian Abdul Aziz, C.B.E., being an official, to be a Member of the said Legislative Assembly.

L. GRAHAM,
Secretary to the Government of India.

## HOME DEPARTMENT.

NOTIFICATIONS.

JUDICIAL.

New Delhi, the 24th October 1933.

**No. F.-254/33.**—Mr. M. V. Bhide, I.C.S., took his seat as an Additional Judge of the High Court of Judicature at Lahore on the forenoon of the 2nd October 1933.

**No. F.-254-33/I.**—Mr. M. M. L. Currie, I.C.S., took his seat as an Additional Judge of the High Court of Judicature at Lahore on the forenoon of the 2nd October 1933.

**No. F.-254/33/II.**—Mr. Abdul Rashid, Barrister-at-Law, took his seat as an Additional Judge of the High Court of Judicature at Lahore on the forenoon of the 2nd October 1933.

**No. F.-254/33-III.**—Rai Bahadur Lala Rangi Lal took his seat as an Additional Judge of the High Court of Judicature at Lahore on the forenoon of the 2nd October 1933.

**No. F.-254/33-IV.**—In pursuance of sub-section (6) of section 12 of the Sikh Gurdwaras Act, 1925 (Punjab Act VIII of 1925), the Governor-General in Council is pleased to appoint the Honourable Mr. Justice F. W. Skemp, I.C.S., a Judge of the High Court of Judicature at Lahore, to be the President of the Sikh Gurdwaras Tribunal constituted under sub-section (1) of that section, with effect from the 2nd October 1933.

The Home Department Notification No. F.-254/33-II, dated the 27th September 1933, is hereby cancelled.

T. SLOAN,
Joint-Secretary to the Government of India.

POLICE.

*Indian Police Medal.*

The 21st October 1933.

**No. F.-114/XXX/33.**—His Excellency the Viceroy and Governor-General of India has been pleased to confer the Indian Police Medal on the following officer :—

| Name of officer and rank. | Statement of services for which the decoration has been conferred. |
| --- | --- |
| | PUNJAB. |
| Nawab Khan, Constable .. | On the 21st August 1933, when large numbers of people were bathing in a canal in the Montgomery District during the solar eclipse, a woman slipped and fell into the water and was carried away by the stream. Two other women, one of whom had a baby in her arms, tried to catch her but both fell into the canal and were also swept away. Foot Constable Nawab Khan who was on duty nearby at once jumped into the canal, fully clothed. He seized with one arm the woman with the child and with the other arm one of the other two women. The frightened women struggled and the Constable was dragged under water, but he held on to both women and finally succeeded in bringing them and the baby safely to the bank. In the meantime the third woman had been rescued by people on the bank of the canal.<br>In thus rescuing three individuals at the risk of his own life the Constable displayed courage and determination of a high order. |

*N.-B.*—This award is made for gallantry under regulation *d* (i) of the regulations governing the grant of the Indian Police Medal and consequently carries with it the special allowance for officers of and below the rank of Inspector of Police.

M. G. HALLETT,
Secretary to the Government of India.

## FINANCE DEPARTMENT.

RESOLUTIONS.

New Delhi, the 26th October 1933.

**No. F.-2-XXI-R.-II/33**—The Governor General in Council is pleased to make the following amendment in the "Regulations governing Procedure for the Commutation of Pensions' promulgated with the Finance Department Resolution No. F.-2-XVI-R.-11/30, dated the 29th December, 1930, namely :—

The following shall be added as *Note 2* below regulation 7, the existing Note being numbered as *Note 1* :—

"*Note 2*—If in the opinion of the medical authority prescribed in clause (*ii*) some special examination is necessary which it is not in a position to carry out itself, it may require the applicant to undergo such examination at his own expense. No refund of such expenditure will be given by Government irrespective of the result of the examination.,

**No. F.-5 (30)-R. I/33.**—With a view to extending the concession at present admissible under supplementary Rule 155-B., to all officers of the Superior Civil Services, irrespective of their domicile, the Governor-General in Council is pleased to direct that the following amendments shall be made in the Supplementary Rules, namely :—

In Rule 155-B., of the said rules, for the words "In the case of officers to whom Rule 155-A applies" the words "In the case of a member of a Superior Civil Service of either Asiatic or non-Asiatic domicile" shall be substituted.

This amendment shall have effect from the 24th July, 1933.

**No. F.-11 (22)-R I/33.**—In exercise of the power conferred by Fundamental Rule 103, the Governor-General in Council is pleased to direct that the following shall be substituted for the Note under Rule 1 (*a*) of Annexure II, published with the Government of India, Finance Department Resolution No. F.-119-R. I./28, dated the 6th September 1928 :—

*Note.*—In calculating the length of service, the period of continuous temporary service rendered by a piece worker up to the date of his being brought on to the permanent establishment, as well as continuous inferior service rendered up to the date of his promotion to superior service, shall be taken into account."

A. A. L. PARSONS,

Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATIONS.

HEALTH.

New Delhi, the 25th October 1933.

**No. F.-8-11/33.**—Lieutenant-Colonel V. N. Whitamore, O.B.E., F.R.C.S.E., I.M.S., Civil Surgeon, Simla West, is granted leave on average pay with effect from the 1st November 1933 to the 28th February 1934. His services are placed at the disposal of the Government of the Punjab with effect from the 1st March 1934.

**No. F.-8-11/33.**—Lieutenant-Colonel B. Gale, I.M.S., is apppointed to officiate as Civil Surgeon, Simla East, with effect from the date on which he assumes charge of his duties.

The 26th October 1933.

**No. F.-43-4/33.**—In pursuance of sub-section (3) of section 1 of the Indian Medical Council Act, 1933 (XXVII of 1933), the Governor-General in Council is pleased to appoint the 1st November 1933 as the date on which the said Act shall come into force.

RAM CHANDRA,

Joint Secretary to the Government of India.

## RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

NOTIFICATION.

New Delhi, the 24th October 1933.

**No. 1452-T.**—In exercise of the powers conferred by clause *(f)* and clause *(g)* of sub-section (1) of Section 47 of the Indian Railways Act, 1890 (IX of 1890), read with the Notification of the Government of India in the Department of Commerce and Industry No. 801, dated the 24th March 1905, the Railway Board direct that the following further amendment be made in the rules published with their Notification No. 148-T.—19, dated 26th June 1919, namely :—

For Clause *(b)* of rule 10-A, of the said rules the following shall be substituted namely :—

" *(b)* When the number of over-loaded wagons invoiced in any one calendar month on account of any one Colliery exceeds 5 per cent. of the total number of wagons invoiced on account of that Colliery in that calendar month, a demurrage charge not exceeding—

*(i)* where the excess is not more than 7 per cent. Rs. 1-8-0 per wagon,

*(ii)* where the excess is more than 7 and not more than 10 per cent. Rs. 4 per wagon,

*(iii)* where the excess is more than 10 per cent. Rs. 12 per wagon. "

L. H. KIRKNESS,
Secretary, Railway Board.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATIONS.

New Delhi, the 24th October 1933.

**No. Q.-88-(2).**—Mr. E. M. Jenkins, I.C.S., is appointed as Deputy Secretary to the Government of India in the Department of Industries and Labour with effect from the date on which he takes over charge of his duties.

POSTS AND TELEGRAPHS BRANCH.

The 26th October 1933.

**No. 78-T./32.**—In exercise of the powers conferred by Section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Indian Telegraph Rules, 1932, namely :—

In Rule 454 of the said rules, for clauses *(iii)*, *(iv)*, *(v)* and *(vii)*, the following clauses shall be substituted, namely :—

" *(iii) For an external shift from one building to another which involves new line work as well as internal wiring.*—Rs. 35 per connection.

This charge includes a maximum of 100 yards of internal loop wiring. An additional charge of Rs. 5 shall be made for each additional 50 yards or part thereof.

*(iv) For an external shift from one building to another which involves new line work but no internal wiring.*—Rs. 25 per connection.

*(v) For an internal shift in the same building or external shift from one building to another which does not involve any new line work or internal wiring.*—No charge.

*(vii) For shifting an internal extension connection along with the parent connection :—*

*(a) From one room to another.*—The same charge as prescribed in clause *(i)* for the parent connection as well as for the extension.

*(b) From one building to another.*—The same charge as prescribed in clause *(iii)* for the parent connection and as prescribed in clause *(i)* for the extension. "

D. G. MITCHELL,
Secretary to the Government of India

1231 CS—798—10-11-33—SGPP Lahore.

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## PUNJAB AND ITS DEPENDENCIES.

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## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, OCTOBER 14, 1933.

### HOME DEPARTMENT.

NOTIFICATION.

POLICE.

Simla, the 11th October 1933.

INDIAN POLICE MEDAL.

**No. F. 114/XXVI/33.**—His Excellency the Viceroy and Governor-General of India has been pleased to confer the Indian Police Medal on the following officers :—

| Name of officer and rank. | Statement of services for which the decoration has been conferred. | Name of officer and rank. | Statement of services for wich the decoration has been conferred. |
|---|---|---|---|
| | PUNJAB. | | PUNJAB—*contd.* |
| 1. L. Ishar Dass, Assistant Sub-Inspector of Police. | On the 3rd April 1933 this officer gave chase to two suspicious characters who fled when challenged. Two villagers joined in the pursuit but abandoned it when one of them was slightly wounded by a shot from the fugitives. The Assistant Sub-Inspector continued the pursuit although he was fired at repeatedly and eventually, having secured a horse, caught up with the suspects. One of them fired a pistol at close range but fortunately missed the officer, while the other attacked him with an axe. At this stage a few | 1. L. Ishar Dass, Assistant Sub-Inspector of Police—*concluded.* | villagers came to the rescue and overpowered the two offenders, one of whom proved to be an absconder from justice and the other an associate of dangerous dacoits. The Assistant Sub-Inspector's pluck and tenacity in thus effecting two important arrests were of a high order. |
| | | 2. Vir Singh, Foot Constable. | This Constable was a member of a police party which raided a house on the night of the 11th March 1932 in which two dangerous criminals, wanted for dacoity, were |



PGG

| Name of officer and rank. | Statement of services for which the decoration has been conferred. |
|---|---|
| | PUNJAB—*concld.* |
| 2. Vir Singh, Foot Constable—*concluded.* | believed to have taken shelter. It was known that both absconders were in possession of fire-arms. When the house was found locked this Constable at once climbed over the wall of the courtyard. Attacked by one of the criminals with an axe, the Constable closed with his man and succeeded in overpowering him. The Constable's courage and determination are worthy of recognition. |
| 3. Madho Singh, Head Constable. | This officer in the course of the last few years has been concerned in the apprehension of four terrorist gangs and on two of these occasions displayed commendable courage and resource. On the 27th October 1931 he observed two wanted terrorists approaching on bicycles and without hesitation rode his own bicycle into one of them, brought him down and seized him. He also assisted in the capture of the second man. Both men were armed with revolvers. |
| | On the 8th January 1933 the Head Constable was one of a body of police deputed to effect the apprehension of a well-known armed revolutionary. He was alone when he saw the terrorist but acted without hesitation and secured his man. |
| 4. Mohabat Khan, Head Constable. | On the 16th November, 1932, a serious fire broke out in a block of houses in Gowalmandi, Rawalpindi Cantonments. On arrival at the scene of the fire this Head Constable learnt that in one of the blazing rooms were three girls, aged respectively 7, 4 and 2 years, who had been locked in by their mother before the latter's departure to the city. The Head Constable with great difficulty and at considerable personal danger managed to force open the door, only to find that the three unfortunate children |
| 4. Mohabat Khan, Head Constable—*concluded.* | PUNJAB—*concld.* had already been burnt to death. By this time the Head Constable was himself seriously overcome by the heat and smoke and was extricated with difficulty. The gallantry and devotion to duty displayed by this officer were acclaimed by all who witnessed the incident. |
| 5. Azmatulla Khan, Head Constable. | A dangerous outlaw named Saidullah, who was wanted in three murder cases, daringly attacked a geological officer in the Mianwali district and decamped with two shot guns, a revolver, a rifle and about 500 rounds of ammunition. Head Constable Azmatullah Khan led a party in pursuit of the offender who at once opened fire when he was run to earth by the police. Although under fire from a desperate man the Head Constable made his dispositions coolly and efficiently and after a protracted encounter Saidullah was eventually shot dead. The devotion to duty which achieved this result is deserving of recognition. |
| 6. Allah Ditta, Head Constable. 7. Allah Ditta, Foot Constable. | Head Constable Allah Ditta and Foot Constable Allah Ditta were members of a party which proceeded in search of Ghulam Hussain, an armed absconder wanted on several burglary charges. When his arrest was imminent Ghulam Hussain jumped into the Indus, hoping that the swiftly flowing current would deter the police officers from further pursuit. But without the slightest hesitation the two officers plunged into the river and after a fierce struggle in deep and dangerous water succeeded in overpowering the fugitive and bringing him to the bank. The determination displayed in effecting this arrest reflects great credit on the officers concerned. |

*N.-B.*—These awards are made for gallantry under regulation *a*(*i*) of the regulations governing the grant of the Indian Police Medal and consequently carry with them the special allowance admissible to officers of and below the rank of Inspector of Police.

M. G. HALLETT,

Secretary to the Government of India.

## FINANCE DEPARTMENT.

### NOTIFICATION.

Simla, the 11th October 1933.

**No. F. 12-XXXII-R. II/33.**—In exercise of the powers conferred by rules 37 and 44 of the Civil Services (Classification, Control and Appeal) Rules, the Governor-General in Council makes the following rule in amplification of the orders issued in the Finance Department Notification No. F. 12/XVII-R. II/31, dated the 8th July 1931 :—

RULE.

Indian Army reservists who, before they have earned a pension under Military rules for their military service, are permanently appointed to posts in the Jails Department

under the Central Government, and are discharged from the Army, may, at the discretion of the head of the administration, and subject to the provisions contained in Article 56, Civil Service Regulations, be allowed to count for civil pension all previous military service, with the Colours and half of their reserve service.

A. A. L. PARSONS,

Secretary to the Government of India.

## CENTRAL BOARD OF REVENUE.

### NOTIFICATION.

INCOME-TAX.

Simla, the 14th October 1933.

**No. 39.**—The following draft of certain further amendments to the Indian Income-tax Rules, 1922 which the Central Board of Revenue proposes to make in exercise of its powers under sub-section (1) of section 59 of the Indian Income-tax Act, 1922 (XI of 1922), is published as required by sub-section (4) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 1st December 1933 :—

Any objection or suggestion which may be received in respect of the draft before the date specified will be considered by the said Board :—

*Amendments.*

(1) In rule 21 of the said Rules—

(*a*) For the words and letter "in Form D," the words, letters and figure "in Form D ; in the case of an appeal against a refusal of an Income-tax Officer to register a firm under section 26-A, in Form D-1" shall be substituted.

(*b*) After Form D, the following Form shall be inserted, namely :—

" FORM D-1.

*Form of appeal against an order refusing to register a firm under section 26-A.*

To

The Assistant Commissioner of

The day of 19 .

The petition of of post office, District sheweth as follows :—

Under section 26-A of the Indian Income-tax Act, 1922, your petitioner applied to the Income-tax Officer...............................................................................
for the registration of the firm...............................................................................
By his order dated the a copy of which is herewith attached, the Income-tax Officer has refused to register the said firm.

Your petitioner, therefore, requests that the order of the Income-tax Officer may be set aside and that he may be directed to register the firm.

Signed.

Grounds of appeal.

*Form of verification.*

I the petitioner, named in the above petition do hereby declare that what is stated therein is true to the best of my information and belief.

Signed."

(2) After Rule 21 of the said Rules, the following rule shall be inserted, namely :—

" 21-A. An appeal under section 50-A shall be in the following form :—

*Form of appeal against an order refusing to grant a refund under section 48, 48-A or 49.*

To

The Assistant Commissioner of

The day of 19 .

The petition of of post office, District sheweth as follows :—

Your petitioner applied to the Income-tax Officer for a refund under section 48/48-A/49 of the Indian Income tax Act, 1922, of Rs. . The Income-tax Officer has by his order dated the of which a copy is attached
rejected the application.
granted a refund of only Rs. .

Your petitioner, therefore, requests that the order of the Income-tax Officer may be set aside and the refund asked for may be granted.

Signed.

Grounds of appeal.

*Form of verification.*

I , the petitioner named in the above petition do declare that what is stated therein is true to the best of my information and belief.

Signed."

(3) After Rule 42 of the said Rules the following rule shall be inserted, namely :—

" 42-A. A return shall be furnished by the person responsible for paying interest not being 'interest on securities' in respect of amounts of interest exceeding Rs. 1,000. "

(4) After Rule 43 of the said Rules the following rule shall be inserted, namely :—

" 43-A. The return under section 20-A shall be in the following form and shall be delivered to the Income-tax Officer in whose jurisdiction the person responsible for paying interest resides :—

*Rerturn under section 20-A of the Indian Income-tax Act, 1922, for the year 1st April 19 to 31st March 19 .*

Name of payer.

Address of payer.

| Serial No. | Name of payee. | Address of payee. | Date of payment. | Amount of interest. |
|---|---|---|---|---|
| | | | | |

I hereby certify that the above statement contains a complete list of persons to whom interest exceeding Rs. 1,000 was paid during the period 1st April 19 to 31st March 19 .

Signature."

RAM NATH,

Secretary, Central Board of Revenue.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATIONS.

Simla, the 6th October 1933.

**No. L.-3002.**—In pursuance of sub-section (3) of section 2 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Governor-General in Council is pleased to give notice of his intention to declare the following occupations, namely :—

(a) the felling and logging of trees,

(b) the transport of timber,

(c) the control or extinguishing of forest fires, and

(d) elephant-catching operations

as hazardous occupations and to direct that the provisions of the said Act shall, subject to the provisions of the said sub-section, apply in the case of any person who is employed in any such occupation.

Any suggestions or objections with reference to this notification should reach the Government of India not later than the 31st January 1934.

A. G. CLOW,

Joint Secretary to the Government of India.

The 7th October 1933.

**No. G.-101.**—It is hereby notified that the following non-official Members of the Indian Legislature have been elected by their respective Chambers to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Broadcasting,' dealt with in the Department of Industries and Labour :—

1. The Honourable Sardar Shri Jagannath Maharaj Pandit.
2. The Honourable Mr. Mahmood Suhrawardy.
3. Mr. G. Morgan, C.I.E., M.L.A.
4. Kunwar Hajee Ismail Ali Khan, O.B.E., M.L.A.
5. Haji Chaudhury Mohammad Ismail Khan, M.L.A.

J. A. SHILLIDY,

Secretary to the Government of India.

The 9th October 1933.

**No. A.-181.**—The following order of the King's Most Excellent Majesty in Council published in the *London Gazette* of the 15th August 1933 is republished for general information :—

AT THE COURT AT BUCKINGHAM PALACE, THE 8TH DAY OF AUGUST 1933.

*Present.*

The King's Most Excellent Majesty.

Earl of Clarendon.

Viscount Hailsham.

Lord Marshall of Chipstead.

Mr. Hacking.

Whereas His Majesty, by virtue of the authority conferred upon Him by the Copyright Act, 1911, was pleased to make an Order in Council, dated the 3rd day of February 1915 [hereinafter referred to as the Copyright (United States of America) Order, 1915], extending in certain of His Majesty's Dominions, Colonies, and Possessions the protection of the said Act to the unpublished works of citizens of or residents in the United States of America :

And whereas by the Copyright Act, 1911 (Extension to Palestine) Order, 1924, dated the 21st day of March 1924, the Copyright Act, 1911, extends to Palestine :

And whereas His Majesty is satisfied that the Government of the United States of America has made or has undertaken to make such provision as it appears to His Majesty expedient to require for the protection of works entitled to copyright under the

provisions of Part I of the said Act in Palestine (excluding Trans-Jordan) :

Now, therefore, His Majesty, by and with the advice of His Privy Council and by virtue of the authority conferred upon Him by the Copyright Act, 1911, is pleased to order and it is hereby ordered as follows :—

1. The Copyright (United States of America) Order. 1915, shall apply to Palestine (excluding Trans-Jordan) as if it were one of His Majesty's Dominions, Colonies and Possessions to which the said Order applies.

2. Where any person has, before the commencement of this Order, taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any work in a manner which at the time was lawful or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the making of this Order have been lawful, nothing in this Order shall diminish or prejudice any rights or interest arising from or in connection with such action which are subsisting and valuable at the said date unless the person who by virtue of this Order becomes entitled to restrain such reproduction or performance agrees to pay such compensation as failing agreement may be determined in accordance with the provisions of the Copyright Act, 1911.

3. This Order may be cited as the Copyright (United States of America) Order, 1915 (Extension to Palestine) Order, 1933.

4. This Order shall come into operation on the 1st October 1933, which day is in this Order referred to as the commencement of this Order.

COLIN SMITH.

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The 12th October 1933.

**No. S.-601.**—The following draft of certain further amendments to the Indian Electricity Rules, 1922, which it is proposed to make in exercise of the powers conferred by section 37 of the Indian Electricity Act, 1910 (IX of 1910), is published, as required by section 38 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 20th January, 1934.

Any objection or suggestion which may be received from any person in respect of the draft before the date specified will be considered by the Governor-General in Council :—

*Draft amendments.*

1. Clause (*u*) of rule 2 of the said Rules shall be omitted.

2. After rule 29 of the said Rules the following rule shall be inserted, namely :—

"29-A. *Limits of error in meters.*—The limits of error permissible in a meter placed upon a consumer's premises in accordance with section 26 of the Act are for the purposes of that section the following, namely :—

(*a*) the meter when tested by an Electric Inspector shall not register more than 2·5 per cent. above or below absolute accuracy at any load from 5 to 125 per cent. of the connected full load, and

(*b*) the meter when similarly tested shall not register at no load.

29-B. *Conditions for maximum demand indicators.*—The conditions with which a maximum demand indicator or other apparatus placed upon a consumer's premises in accordance with section 26 of the Act shall comply are for the purposes of that section the following, namely :—

(*a*) the maximum demand indicator or other apparatus when tested by an Electric Inspector shall not register more than 2·5 per cent. above or below absolute accuracy at any load from 5 to 125 per cent. of the connected full load, and

(*b*) the maximum demand indicator or other apparatus when similarly tested shall not register at no load."

3. After rule 42 of the said Rules the following rule shall be inserted, namely :—

"42-A. *Switches to be on the live wire.*—In every system where there is a neutral conductor connected to earth, no single pole switch, other than

a link for testing purposes, or a switch for use in controlling a generator or transformer shall be inserted in such neutral conductor or any branch thereof :

Provided that a switch, link, automatic or other cut-out may be inserted in the connection between the neutral conductor and earth at the generating or sub-station, for use in testing and emergencies only."

4. Rule 50 of the said Rules shall be renumbered 50 (*1*) and to the said rule as so renumbered, the following sub-rule shall be added, namely :—

"(*2*) When the external conductor is bare and uninsulated, it shall be efficiently connected with earth, and no switch, cut-out, or circuit breaker shall be inserted in that conductor or in any conductor connected thereto.

*Exception.*—Switches, cut-outs or circuit breakers may be used to break the connection with the generators or transformers supplying the energy ; provided that in no case of bare external conductor the connection of the conductor with the earth is thereby broken."

A. G. CLOW,

Joint Secretary to the Government of India.

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CIVIL AVIATION.

The 12th October 1933.

**No. T.-51.**—Notice is hereby given that the date fixed for consideration of the draft of certain further amendments to the Indian Aircraft Rules, 1920, which it is proposed to make in exercise of the powers conferred by section 3 of the Indian Aircraft Act, 1911 (XVII of 1911), published with Government of India, Department of Industries and Labour notification No. T.-51, dated the 26th August 1933, has been extended to the 31st October 1933. Any objection or suggestion which may be received from any person with respect to the draft before the said extended date will be considered by the Governor-General in Council.

J. A. SHILLIDY,

Secretary to the Government of India.

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## FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, NOVEMBER 4, 1933.

## HOME DEPARTMENT.

NOTIFICATIONS.

POLICE.

New Delhi, the 9th October 1933.

**No. F.-40/XVIII/33.**—Mr. H. J. Vickers, I. P., North-West Frontier Province, is appointed as Deputy Director, Intelligence, Government of India, with headquarters at Peshâwar, with effect from the 1st November 1933 or from the date on which he assumes charge of his duties.

M. G. HALLETT,

Secretary to the Government of India.

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PUBLIC.

The 31st October 1933.

**No. F.-49-19/33.**—It is hereby notified for general information that the Governor-General in Council has been pleased to determine that the appointment of Secretary to the Agent to the Governor-General for the Deccan States and Resident at Kolhapur shall take rank in article 51 of the Warrant of Precedence for India.

T. SLOAN,

Joint Secretary to the Government of India.

## REFORMS OFFICE.

RESOLUTION.

New Delhi, the 27th October 1933.

**No. F.-46/33-R.**—At the close of the third session of the Round Table Conference, the Secretary of State announced the intention of His Majesty's Government that Sind should enter the future federation of India as a distinct province. Accordingly the proposals for constitutional reform embodied in the White Paper treat Sind as a "Governor's province" in the Federation of India.

2. The Government of India think it desirable to investigate certain administrative questions which will arise in the event of Parliament accepting the proposal of His Majesty's Government that Sind should be created a separate province; and in order to prevent possible subsequent delay, they propose to have these matters examined during the coming cold weather. They have therefore decided, with the approval of the Secretary of State, to set up a committee of enquiry for the purpose.

3. The following have been appointed to constitute the Committee :—

*Chairman.*

(1) Mr. H. Dow, C.I.E., I.C.S.

*Members.*

(2) Mr. R. B. MacLachlan.
(3) Mr. G. Kaula, C.I.E.
(4) Seth Haji Abdoola Haroon, M.L.A.
(5) Khan Bahadur M. A. Khuhro, M.L.C.
(6) Rao Rahadur Hiranand Khemsing.
(7) Mr. E. L. Price, C.I.E., O.B.E.

Mr. H. T. Lambrick, I.C.S., will be Secretary to the Committee. The headquarters of the Committee will be at Karachi.

4. The terms of reference to the Committee are to consider and make recommendations as regards—

(1) The accommodation required at Karachi for Government House, Council Chamber, Secretariat and residences of senior officials.

(2) The administrative arrangements that may be necessary to secure effective supervision and co-ordination of the work of the Sukkur Barrage project.

(3) Whether, and if so, what affiliation should be made with existing High Court, University, Medical, Scientific, Veterinary, Forest, Engineering, Agricultural or other institutions in the Bombay Presidency ?

(4) Whether a self-contained cadre should be maintained for the services of all Departments, and more particularly for the All-India Services.

(5) Any other matter that may be referred to the Committee by the Government of India.

ORDER.—Ordered that a copy of the above resolution be published in the *Gazette of India* and communicated to the Government of Bombay, for information. Also that a copy be forwarded to the Secretary to the Committee for information. Further that a copy be forwarded to the Department of Industries and Labour and to the Finance and Home Departments for information.

M. YEATTS,
Deputy Secretary to the Government of India.

## FINANCE DEPARTMENT.

NOTIFICATIONS.

New Delhi, the 1st November 1933.

**No. F.-11 (21)-R. I./33.**—The following Resolution by the Secretary of State for India in Council is published for general information :—

In exercise of the powers conferred by sub-section (2) of Section 96-B of the Government of India Act, the Secretary of State with the concurrence of the majority of

votes at a meeting of the Council of India held this 27th day of June 1933, hereby makes the following amendments in the Fundamental Rules, namely :—

In the said Rules after Rule 48 the following new rules shall be inserted, namely :—

" 48-A. A Government servant whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, or cause or permit any other person to apply for or obtain, a patent for an invention made by such Government servant save with the permission of the Local Government and in accordance with such conditions as the Local Government may impose.

48-B. If a question arises whether a Government servant is a Government servant to whom rule 48-A applies, the decision of the Local Government shall be final."

**No. F.-12-XXXII-R. II./33.**—In exercise of the powers conferred by rules 37 and 44 of the Civil Services (Classification, Control and Appeal) Rules, the Governor-General in Council is pleased to make the following amendment to the rule promulgated with the Finance Department Notification No. F. 12-XVII-R.-II/31, dated the 8th July 1931 :—

For the words " are appointed to the civil police of administrations under the Central Government", the following shall be substituted, namely :—

" are permanently appointed to the civil police of administrations under the Central Government and are discharged from the Army ."

A. A. L. PARSONS,

Secretary to the Government of India.

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## ARMY DEPARTMENT.

## PART B.

RESOLUTION.

New Delhi, the 4th November 1933.

**No. 644.**—The Governor-General in Council hereby makes the following rules for the regulation of admission to the Indian Military Academy by examination in India which will be held in March/April 1934 :—

RULES.

1. (*i*) A candidate who desires to be examined in India shall apply to be admitted to the examination before such date and in such form as the Governor-General in Council may prescribe. The application shall be made to the proper authority of the area in which his parents reside at the time of the application, or of an area in which they have previously resided for a period of not less than three years, or in which he has himself resided, otherwise than as a student at an educational institution only, for a like period.

(*ii*) The proper authority for a Governor's Province shall be the Local Government ; for Coorg, Delhi or Ajmer-Merwara, the Chief Commissioner ; and for a State in India the Political Officer or Agent, who shall be addressed through the Durbar. Provided that the proper authority for candidates who are cadets of the Prince of Wales's Royal Indian Military College, Dehra Dun, shall be the Principal of the College.

(*iii*) Applications from candidates in British India (other than cadets of the Prince of Wales's Royal Indian Military College, Dehra Dun, who shall submit their applications to the Principal of the College direct) shall be submitted to the proper authority through the Collector or Deputy Commissioner of the candidate's district, or, in the case of Calcutta, to the Commissioner of Police.

(*iv*) No candidate shall make more than one application in respect of this examination.

2. A candidate must be an unmarried man and either —

(*a*) a British subject of Indian domicile whose father (if alive) is a British subject or a subject of a State in India, or (if dead) was at the time

of his death either a British subject or a subject of a State in India or a person in the permanent service of the Crown or a person who had retired from that Service ; or

(b) a Ruler or a subject of a State in India in respect of whom the Governor General in Council has made a declaration under Section 96-A of the Government of India Act :

Provided that in the case of a British subject the requirements of this rule may be waived by the Secretary of State in Council if he is satisfied that their observance would occasion exceptional hardship, and that the candidate is so closely connected by ancestry and upbringing with His Majesty's dominions as to justify special treatment.

3. A candidate must furnish a declaration from his father or guardian, in the form prescribed, that the latter is in a position, and will be prepared to discharge the financial obligations attaching to the candidate's training at the Indian Military Academy, Dehra Dun, and that if such candidate is selected for admission, the parent or guardian will be required to sign a declaration that —

(a) if his son/ward withdraws or is discharged from the Indian Military Academy, before the termination of his course, or

(b) if, on the termination of his course, his son/ward declines to accept a commission in the Indian Army,

*for reasons within the control of the parent/guardian or the cadet* (on which point final decision will rest with the Government of India) he will be prepared to pay the full cost which Government may have incurred on his education at the Indian Military Academy, including travelling expenses, if any.

4. The maximum number of candidates to be admitted to the examination may, in the discretion of the Governor-General in Council, be limited to such number as the Governor-General in Council may decide. If a limit is imposed and the number of candidates exceeds that limit, the Public Service Commission shall select from among the applicants those who shall be admitted to the examination and shall have regard in so doing to the suitability of the applicants for employment as commissioned officers, in the Indian Army.

5. A candidate for this examination must attain the age of 18, and must not attain the age of 20, by the first day of May 1934.

6. A candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of the duties of a commissioned officer in the Indian Army. A candidate who, after examination by a Medical Board is found not to satisfy these requirements will not be accepted for admission to the Academy.*

*Only successful candidates will be medically examined. Candidates are recommended to consult a Civil Surgeon as to their physical suitability before entering for the examination.

7. A candidate must satisfy the Public Service Commission that he is suitable in all respects for employment as a commissioned officer in the Indian Army.

8. No candidate shall be admitted to the examination unless he holds a certificate of admission from the Public Service Commission.

9. No recommendations except those invited in the form of applications will be taken into consideration. Any attempt on the part of a candidate to obtain support for his application by other means may disqualify him for admission.

10. (a) A candidate who competed in the examination held in October 1933, and failed to obtain a qualifying mark, will not be allowed to compete at the examination to be held in March/April 1934, unless he is ineligible by age to compete at any later examination.

(b) No candidate who fails to obtain a qualifying mark at this examination will be allowed to compete at the next examination, unless that examination is the last at which he would be qualified by age to compete.

11. Candidates must pay the following fees :—

(i) Rs. 7-8-0 with the application form,

(ii) if accepted for admission to the examination, Rs. 50 immediately after the receipt of the certificate of admission.

No claim for a refund of these fees will be entertained.

12. (*i*) The examination will include the following subjects and the maximum number of marks obtainable for each subject is as follows :—

Part I.—Obligatory.

| | Max. Marks. |
|---|---|
| 1. Interview and Record .. .. .. | 500 |
| 2. English Language .. .. .. | 300 |
| 3. General Knowledge .. .. .. | 300 |
| 4. Elementary Mathematics .. .. .. | 150 |

Part II.—Two of these subjects, and not more, must be taken.

| | Max. Marks. |
|---|---|
| (*a*) French or German .. .. .. | 300 |
| (*b*) Lower Mathematics .. .. | 300 |
| (*c*) Higher Mathematics .. .. .. | 300 |
| (*d*) English History from 1485 .. .. .. | 300 |
| (*e*) Indian History .. .. | 300 |
| *f*) Physics .. .. | 300 |
| (*g*) Chemistry .. .. .. | |

Part III.—Subsidiary subjects of which one, and [except as provided in clause (*ii*) below] not more than one, must be taken.

| | Max. Marks. |
|---|---|
| (*a*) Outlines of English History from 1485 .. | 150 |
| (*b*) Elementary Science .. ... .. | 150 |
| (*c*) Geography .. ... .. .. | 150 |

Part IV.—Optional.

| | |
|---|---|
| (*a*) Freehand or Geometrical Drawing .. .. | 50 |

(*ii*) A candidate who offers English History in Part II may not offer English History in Part III. A candidate who offers Lower or Higher Mathematics in Part II must offer in place of Elementary Mathematics in Part I a second subsidiary subject in Part III. A candidate who offers Physics or Chemistry must satisfy the Public Service Commission that he has had suitable laboratory training totalling 80 hours for each subject taken. A candidate who takes Elementary Science in Part III may not offer Physics or Chemistry in Part II.

13. No candidate will be admitted to the Indian Military Academy who obtains less than 175 marks for Interview and Record or less than 525 marks in the other subjects taken by him in Parts I to III (these marks being 35 per cent. in each case) or less than 1,000 marks in all the subjects taken in Parts I, II and III.

14. From the marks assigned to candidates in each subject such deduction will be made as the Public Service Commission may consider necessary in order to secure that no credit is allowed for merely superficial knowledge.

15. If a candidate's handwriting is not easily legible a deduction, which may be of considerable amount, will be made on this account from the total marks otherwise accruing to him.

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ORDERED, that the Resolution be published in the *Gazette of India*.

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## RESOLUTION.

**No. 645.**—The Governor-General in Council hereby makes the following rules for the regulation of admission by examination in India to the Royal Air Force College, Cranwell which will be held in March/April 1934 :—

### RULES.

1. (*i*) **A candidate who desires to be examined in India shall apply to be admitted to the examination before such date and in such form as the Governer-General in**

Council may prescribe. The application shall be made to the proper authority of the area in which his parents reside at the time of the application, or of an area in which they have previously resided for a period of not less than three years, or in which he has himself resided, otherwise than as a student at an educational institution only, for a like period.

(*ii*) The proper authority for a Governor's Province shall be the Local Government; for Coorg, Delhi or Ajmer-Merwara, the Chief Commissioner: and for a State in India the Political Officer or Agent, who shall be addressed through the Durbar. Provided that the proper authority for candidates who are cadets of the Prince of Wales' Royal Indian Military College, Dehra Dun, shall be the Principal of the College.

(*iii*) Applications from candidates in British India (other than cadets of the Prince of Wales' Royal Indian Military College, Dehra Dun, who shall submit their applications to the Principal of the College direct) shall be submitted to the proper authority through the Collector or Deputy Commissioner of the candidate's district, or, in the case of Calcutta, to the Commissioner of Police.

(*iv*) No candidate shall make more than one application in respect of any one examination.

2. A Candidate must be an unmarried man and either—

(*a*) a British subject of Indian domicile whose father (if alive) is a British subject or a subject of a State in India, or (if dead) was at the time of his death either a British subject or a subject of a State in India or a person in the permanent service of the Crown or a person who had retired from that service; or

(*b*) a Ruler or a subject of a State in India in respect of whom the Governor-General in Council has made a declaration under Section 96-A of the Government of India Act:

Provided that in the case of a British subject the requirements of this rule may be waived by the Secretary of State in Council if he is satisfied that their observance would occasion exceptional hardship, and that the candidate is so closely connected by ancestry and upbringing with His Majesty's dominions as to justify special treatment.

3. A candidate must furnish a declaration from his father or guardian, in the form prescribed, that the latter is in a position, and will be prepared to discharge the financial obligations attaching to the candidate's training at the Royal Air Force College, Cranwell, and that:

(*a*) if his son/ward withdraws or is discharged from the Royal Air Force College before the termination of the course, or

(*b*) If, on the termination of the course, his son/ward declines to accept a commission in the Indian Air Force,

*for reasons within the control of the parent/guardian or the cadet* (on which point the final decision will rest with the Government of India) he will be prepared to pay the full cost which Government may have incurred on his education at the Royal Air Force College including travelling expenses, if any.

4. The maximum number of candidates to be admitted to the examination may, in the discretion of the Governor-General in Council, be limited to such number as the Governor-General in Council may decide. If a limit is imposed and the number of candidates exceeds that limit, the Public Service Commission shall select from among the applicants those who shall be admitted to the examination and shall have regard in so doing to the suitability of the applicants for employment as commissioned officers in the India Army and/or Indian Air Force.

5. A candidate for the examination must attain the age of 18, and must not attain the age of 20, by the first day of May 1934.

6. A candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of the duties of a commissioned officer in the Indian Air Force. A candidate who, after examination by a Medical Board (including a special medical examination which will include a practical test in flying as a passenger) is found not to satisfy these requirements will not be accepted for admission to the College.*

7. A candidate must satisfy the Public Service Commission that he is suitable in all respects for employment as a commissioned officer in the Indian Air Force.

8. No candidate shall be admitted to the examination unless he holds a certificate of admission from the Public Service Commission.

* Only successful candidates will be medically examined. Candidates are recommended to consult a Civil Surgeon as to their physical suitability before entering for the examination.

9. No recommendations except those invited in the form of application will be taken into consideration. Any attempt on the part of a candidate to obtain support for his application by other means may disqualify him for admission.

10. Candidates must pay the following fees :—

(*i*) Rs. 7-8-0 with the application form,

(*ii*) if accepted for admission to the examination, Rs. 50 immediately after acceptance.

No claim for a refund of these fees will be entertained.

11. The examination will include the following subjects and the maximum number of marks obtainable for each subject is as follows :—

Part I.—Obligatory.

| | Max. Marks. |
|---|---|
| 1. Interview and Record .. .. .. | 500 |
| 2. English Language .. .. .. | 300 |
| 3. General Knowledge .. .. .. | 300 |
| 4 Elementary Mathematics .. .. .. | 150 |

Part II.—Two of these subjects, and not more, must be taken.

| | Max. Marks. |
|---|---|
| (*a*) French or German .. .. .. | 300 |
| (*b*) Lower Mathematics .. .. .. | 300 |
| (*c*) Higher Mathematics .. .. .. | 300 |
| (*d*) English History from 1485 .. .. .. | 300 |
| (*e*) Indian History .. .. .. | 300 |
| (*f*) Physics .. .. .. .. | 300 |
| (*g*) Chemistry .. .. .. .. | 300 |

Part III.—A subsidiary subject of which one, and (except as provided in rule 12) not more than one, may be taken.

| | Max. Marks. |
|---|---|
| (*a*) Outlines of English History from 1485 .. .. | 150 |
| (*b*) Elementary Science .. .. .. | 150 |
| (c) Geography .. .. .. .. | 150 |

Part IV.—Optional.

| | |
|---|---|
| (*a*) Freehand or Geometrical Drawing .. .. | 50 |

12. A candidate who offers English History in Part II may not offer English History in Part III. A candidate who offers Lower or Higher Mathematics in Part II must offer in place of Elementary Mathematics in Part I a second subsidiary subject in Part III. A candidate who offers Physics or Chemistry must satisfy the Public Service Commission that he has had suitable laboratory training totalling 80 hours for each subject taken. A candidate who takes Elementary Science in Part III may not offer Physics or Chemistry in Part II.

13. No candidate will be admitted to the Royal Air Force College who obtains less than 40 per cent. in English Language and in Elementary or Lower or Higher Mathematics or less than 175 marks for Interview and Record or less than 525 marks in the other subjects taken by him in Parts I to III (these marks being 35 per cent. in each case), or 1,000 marks in all the subjects taken in Parts I, II and III.

14. From the marks assigned to candidates in each subject such deduction will be made as the Public Service Commission may consider necessary in order to secure that no credit is allowed for merely superficial knowledge.

15. If a candidate's handwriting is not easily legible a deduction, which may be of considerable amount, will be made on this account from the total marks otherwise accruing to him.

ORDERED, that the Resolution be published in the *Gazette of India*.

G. R. F. TOTTENHAM,

Secretary to the Government of India.

1272 CS—798—17-11-33—SGPP Lahore.

Registered No. L. 864

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, NOVEMBER 24, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, NOVEMBER, 4, 1933.

### DEPARTMENT OF COMMERCE.

NOTIFICATION.

REGISTRATION OF ACCOUNTANTS.

New Delhi, the 4th November 1933.

**No. 9 (2)-T. & E. (R. A.).**—In pursuance of rule 14 (2) of the Auditor's Certificates Rules, 1932, it is hereby notified that in exercise of the powers conferred by rule 14 (1) (*b*) of the said Rules, the Governor-General in Council has been pleased to remove permanently from the Register of Accountants published with this Department's notification No. 33 (1)-T. and E. (R. A.), dated the 1st July 1933, the name of the following gentleman, namely :—

"Mr. Hakim Roy Bahri,

Messrs. Bahri, Nigam and Co.,

128, The Mall, Cawnpore."

A. RAISMAN,

Joint Secretary to the Govenment of India.

FROM THE " GAZETTE OF INDIA, "NEW DELHI, SATURDAY, NOVEMBER 11, 1933.

## LEGISLATIVE DEPARTMENT.

NOTIFICATION.

New Delhi, the 9th November 1933.

**No. F.-418/33-C. & G.**—In pursuance of rule 5 of the Indian Legislative Rules, the Governor-General has been pleased to appoint Mr. G. H. Spence, C.I.E., Deputy Secretary in the Legislative Department, to be Secretary of the Council of State with effect from the 6th November, 1933, *vice* the Honourable Mr. J. Bartley, resigned.

L. GRAHAM,

Secretary to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATION.

ECCLESIASTICAL.

New Delhi, the 11th November 1933.

**No. 79-(13)-Eccl.**—In pursuance of rule 13 of the Indian Church Statutory Rules, 1929, the Governor-General in Council, with the concurrence of the Bishop of Calcutta, is pleased to add St. Martin's Church in Delhi New Cantonments to the list of Maintained Military Churches within the Diocese of Lahore in Part I-A of the Second Schedule to the Indian Church Act, 1927 (17 and 18 Geo. 5, Ch. 40).

A. RAISMAN,

Joint Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATIONS.

New Delhi, the 6th November 1933.

**No. F.-39-1/33-G.**—In pursuance of clause (*b*) of section 208-A of the Indian Merchant Shipping Act, 1923 (XXI of 1923), and in supersession of the Notification of the Government of India in the Department of Education, Health and Lands, No. 2273-H. (G.), dated the 16th December, 1931, the Governor-General in Council is pleased to specify as the sum to be deposited for the purpose of defraying the cost of a return ticket —

| | Rs. | A. | P. |
|---|---|---|---|
| (i) in the case of a pilgrim of the age of ten years or more sailing from Bombay and desiring to be included in class A for the purposes of the supply of food during the voyage under rule 80 of the Indian Pilgrim Ships Rules, 1933. | 63 | 8 | 0 |
| (ii) in the case of a pilgrim of the age of ten years or more sailing from Bombay and desiring to be included in class B for the purposes of the supply of food during the voyage under the said Rule. | 59 | 8 | 0 |
| (iii) in the case of a pilgrim under ten years of age sailing from Bombay and desiring to be included in class A for the purposes of the supply of food during the voyage under the said Rule. | 57 | 8 | 0 |
| (iv) in the case of a pilgrim under ten years of age sailing from Bombay and desiring to be included in class B for the purposes of the supply of food during the voyage under the said Rule. | 55 | 8 | 0 |
| (v) in the case of a pilgrim of the age of ten years or more sailing from Karachi and desiring to be included in class A for the purposes of the supply of food during the voyage under the said Rule. | 60 | 8 | 0 |
| (vi) in the case of a pilgrim of the age of ten years or more sailing from Karachi and desiring to be included in class B for the purposes of the supply of food during the voyage under said Rule. | 57 | 8 | 0 |
| (vii) in the case of a pilgrim under ten years of age sailing from Karachi and desiring to be included in class A for the purposes of the supply of food during the voyage under the said Rule. | 56 | 0 | 0 |

| | Rs. | A. | P. |
|---|---|---|---|
| (viii) in the case of a pilgrim under ten years of age sailing from Karachi and desiring to be including in class B for the purposes of the supply of food during the voyage under the said Rule. | 54 | 8 | 0 |
| (ix) in the case of a pilgrim of the age of ten years or more sailing from Calcutta and desiring to be included in class A for the purposes of the supply of food during the voyage under the said Rule. | 88 | 8 | 0 |
| (x) in the case of a pilgrim of the age of ten years or more sailing from Calcutta and desiring to be included in class B for the purposes of the supply of food during the voyage under the said Rule. | 83 | 8 | 0 |
| (xi) in the case of a pilgrim under ten years of age sailing from Calcutta and desiring to be included in class A for the purposes of the supply of food during the voyage under the said Rule. | 80 | 0 | 0 |
| (xii) in the case of a pilgrim under ten years of age sailing from Calcutta and desiring to be included in class B for the purposes of the supply of food during the voyage under the said Rule. | 77 | 8 | 0 |

HEALTH.

The 9th November 1933.

**No. F.-127/33-L. & O.**—In pursuance of sub-section (3) of section 1 of the Indian Tea Control Act, 1933 (XXIV of 1933), the Governor-General in Council is pleased to appoint the 15th November, 1933, as the date on which the said Act shall come into force.

G. S. BAJPAI,

Secretary to Government of India.

## ARMY DEPARTMENT.

New Delhi, the 11th November 1933.

## PART B.

INDIAN ARMY.

**No. 660.**—Whereas Section 184B of the Air Force Act applies only when such conditions as may be prescribed by Regulations made by the Air Council and the Governor-General in India are complied with :—now therefore it is hereby declared :—whenever any body of the Royal Air Force is serving on the same station with any body of the Indian Air Force then, for purposes of command, the officers of one body when appointed by the Officer Commanding the Station to carry out duties necessary for the properad ministration or discipline of the Station shall, in relation to the other body be treated and have all such powers (other than powers to punish) as if they were officer of that other body holding the relative ranks shown in the following table :—

| *Royal Air Force.* | *Indian Act Force.* |
|---|---|
| Wing Commander. | Wing Commander. |
| Squadron Leader. | Squadron Leader. |
| Flight Lieutenant. | Flight Lieutenant. |
| Flying Officer. | Flying Officer. |
| Pilot Officer. } Acting Pilot Officer. } | Pilot Officer. |

**No. 661.**—The following rules for the recruitment of apprentices for training in Ordnance and Clothing Factories in India, are published for general information :—

PART I.—GENERAL.

A candidate must be a male and either :—

(i) A British subject of Indian domicile whose father (if alive) is a British subject or a subject of a State in India, or (if dead) was at the time of his death either a British subject or a subject of a State in India, or a person in the permanent service of the Crown, or a person who had retired from that service ; or

(*ii*) a subject of a State in India in respect of whom the Governor-General in Council makes a declaration under section 96A of the Government of India Act.

Provided that in the case of a British subject the requirements of this rule may be waived by the Secretary of State in Council if he is statisfied that their observance would occasion exceptional hardship, and the candidate is so closely connected by ancestry or upbringing with His Majesty's dominions as to justify special treatment.

In selecting candidates the claims of all communities will be considered, in order to avoid the undue predominance of any class or creed.

2. The selection of candidates for appointment will be made on the recommendation of the Public Service Commission.

PART II.—QUALIFICATIONS OF CANDIDATES AND METHODS OF SELECTION.

3. (*i*) Every candidate shall make application before such date and in such form as the Governor-General in Council may direct. The application shall be made to the authority of the area in which the candidate resides at the time of his application otherwise than for the purpose of his own education only.

(*ii*) The application shall be made, if based on residence in a Governor's province to the Chief Secretary of that province, if based on residence in Coorg, Delhi, Ajmer-Merwara or British Baluchistan, to the Chief Commissioner concerned, and if based on residence in a State in India, to the Political Officer or Agent through the Darbar.

(*iii*) No applicant shall make more than one application for each selection.

4. No recommendation except those invited in the application will be taken into consideration. Any attempt on the part of a candidate to obtain support for his application by other means may disqualify him for appointment.

5. A candidates must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties and a candidate who is found after examination by a Medical Board not to satisfy these requirements will not be appointed.

*Note.*—Only selected candidates will be medically examined. Candidates are, therefore, recommended to consult a Civil Surgeon as to their physical fitness in accordance with the prescribed regulations before applying.

6. Candidates for appointment as apprentices to the Metal and Steel Factory must have attained the age of 18 years and must not have attained the age of 21 years on the first day of January of the year in which the selection is made.

Candidates for appointment to the other Factories mentioned in the Notice must be under 19 years of age on the date specified above.

7. Candidates for appointment to the Metal and Steel Factory must hold the Diploma in Metallurgy of the Benares Hindu University, the Diploma of the Indian School of Mines, Dhanbad, or the degree in Sceince of a University approved by the Governor-General in Council.

Candidates for appointment to the other Factories mentioned in the Notice must have passed the Intermediate Examination in Science or Engineering of a University or Board approved by the Governor-General in Council or the Cambridge Higher School Certificate Examination or the Higher Diploma Examination of the Mayo College, Ajmer. All candidates must have an elementary knowledge of Dynamics, Statics, Mathematics up to quadratic equations. Elementary Trigonometry and Physics.

8. A candidate must satisfy the Public Service Commission that he is in all respects suitable for employment in the Ordnance Factories.

9. Candidates must be unmarried and must undertake not to marry during the period of their apprenticeship.

10. Candidates must pay the following fees :—

(*i*) Rs. 7-8-0 with the application form.

(*ii*) Rs. 16 before examination by a Medical Board.

No claim for a refund of these fees will be entertained.

11. A candidate must if required attend for personal interview at such time and place as may be appointed.

PART III.—PERIOD AND COURSE OF TRAINING AND TERMS AND CONDITIONS OF SERVICE.

12. The period of training will be as shown below :—

| | |
|---|---|
| In the Metal and Steel Factory .. .. .. .. | 4 years' training. |
| In the Gun Carriage Factory .. .. .. .. | 5 years' training. |
| In the Cordite Factory .. .. .. .. | 4 years' training. |
| In the Rifle Factory .. .. .. .. | 5 years' training. |
| In the Gun and Shell Factory .. .. .. .. | 5 years' training. |
| In the Harness and Saddlery Factory .. .. .. | 4 years' training. |
| In the Clothing Factory .. .. .. .. | 6 years' training. |

On completion of the training period there will ordinarily be a further 2 years journeyman course, not necessary in Ordnance Factories and ex-apprentices will, during this period, be expected to earn their own livelihood.

Apprentices recruited for the Harness and Saddlery Factory will be trained in either Tannery or Saddlery courses: those recruited for the Clothing Factory, Shahjahanpur, will be trained in tailoring and cutting courses.

13. Apprentices in a Metal and Steel Factory will be entitled to a special scale of pay of Rs. 50—10—80.

The pay of apprentices in othes Factories will not exceed :—

| | Rs. (per mensem.) |
|---|---|
| 1st year .. .. .. .. .. | 40 |
| 2nd year .. .. .. .. .. | 50 |
| 3rd year .. .. .. .. .. | 60 |
| 4th year .. .. .. .. .. | 70 |
| 5th year .. .. .. .. .. | 80 |
| 6th year .. .. .. .. .. | 100 |

*Note.*—The above rates of pay are subject to such alterations as Government may hereafter decide upon.

14. Although housing accommodation is not guaranteed, the apprentices will be required to live in Government Hostels where these exist. Charges on account of house rent, lighting, water-tax and conservancy will, in the latter case, not be recovered from the apprentices.

15. Fifteen days' leave on full pay or 30 days' leave on half pay in the year will be granted to an apprentice at the discretion of the Superintendent or other Officer in charge of the Factory, Hospital and casual leave with pay for a period not exceeding one month at a time will also be granted for periods of absence authorised by the medical authorities on account of injuries received while on duty, inocculation or segregation or when the apprentice is sent to a Pasteur Institute for anti-rabic treatment, provided that such leave is authorised by the rules in force for other manual workers employed in the factories.

16. Apprentices must abide by any local rules framed by the executive officers of the respective factories.

17. There is no guarantee to employ apprentices on the completion of their courses, though everything possible will be done to find employment for them. Nor will it be obligatory on the apprentices to remain in the factories on the completion of their courses.

18. The following appointments will be open or eventually open to successful apprentices who are employed in the Ordnance Factories :—

| | |
|---|---|
| Temporary Supervisor .. .. | On a pay up to Rs. 200 per mensem. |
| Chargeman .. .. .. | At Rs. 200—10—300/350—5—350 per mensem. |
| Assistant Storeholder .. .. | At Rs. 375—15—435 per mensem. |
| Assistant Foreman .. .. .. | At Rs. 375—15—435, 6th year Rs. 450, 8th year Rs. 470 and 10th year Rs. 490 per mensem. |
| Storeholder .. .. .. | At Rs. 500—20—600 per mensem. |
| Foreman .. .. .. | At Rs. 500—20—600 per mensem. After 10 years Rs. 650 per mensem. |

*Note.*—The above rates of pay are subject to such alterations as Government may hereafter decide upon.

G. R. F. TOTTENHAM,

Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

### NOTIFICATIONS.

POSTS AND TELEGRAPH BRANCH.

New Delhi, the 1st November 1933.

**No. G. B.-72/110.**—In exercise of the powers conferred by section 1 of the Indian Wireless Telegraphy Act, 1933, the GovernorGeneral in Council is pleased to direct that the Act shall come into force on the first day of January 1934.

The 4th November 1933.

**No. I. M.-184/33/T. L.**—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely :—

After sub-rule (4) of rule 30 of the said Rules, the following sub-rule shall be inserted, namely :—

"(5) The registration of a newspaper for the concessional rate of postage shall be deemed to be annulled as soon as the certificate or the recommendation mentioned in item (1) of sub-rule (2) is formally cancelled or withdrawn by the authorities concerned."

The 6th November 1933.

**No. G. B.-72/110.**—In exercise of the powers conferred by Section 10 of the Indian Wireless Telegraphy Act, 1933, the Governor-General in Council is pleased to made the following rules regarding the possession of wireless telegraphy apparatus.

1. (*i*) These Rules may be called the Indian Wireless Telegraphy (Possession) Rules, 1933.

(*ii*) They shall come into force on the 1st January 1934.

2. In these rules, unless there is anything repugnant in the subject or context :—

(*a*) "*the Act*" means the Indian Wireless Telegraphy Act, 1933

(*b*) "*dealer*" means any person who deals in or manufactures for gain wireless telegraphy apparatus as defined in the Indian Wireless Telegraphy Act, 1933 ;

(*c*) "*complete wireless set*" means any apparatus which is capable in itself of transmitting or receiving wireless signals with or without the addition of aerials, valves, power supply, telephones, loud-speakers or equivalent devices ; and

(*d*) "*the Licensing Authority*" means the telegraph authority constituted under the Indian Telegraph Act, 1885, that is, the Director-General of Posts and Telegraphs.

3. Subject to the provisions of the these Rules, every person other than a dealer is exempted from the requirement of holding a license to possess wireless telegraphy apparatus in respect of—

(*a*) such apparatus as is reasonably required for the purpose specified in a current license issued to him under Section 4 of the Indian Telegraph Act, 1885, to establish, maintain and work a wireless telegraph ; and

(*b*) wireless telegraphy apparatus other than complete wireless sets.

4. Application for a license under these Rules shall be made in Form I and in accordance with the instructions contained therein.

5. Licenses shall be issued to dealers in Form II and licenses to other persons it Form III.

6. Licenses shall be valid for a period of twelve calendar months beginning from the first day of the month of issue.

7. A fee of ten rupees shall be payable for every license issued under those Rules.

8. Where the Licensing Authority is satisfied that a license granted under these Rules has been lost or accidentally destroyed he may grant a duplicate or substitute license on payment of a fee of two rupees.

9. Licenses issued under these Rules shall not be transferable.

10. No refund shall be granted of any fees paid under these Rules.

11. (1) Every person licensed under these Rules shall keep the wireless telegraphy apparatus possessed by him at the premises specified in that behalf in the license.

(2) A license issued under these rules shall ordinarily authorise the Licensee to keep wireless telegraphy apparatus in one building only; provided that the Licensing Authority may at his discretion permit the licensee to keep the apparatus in two or more buildings.

(3) The Licensing Authority may during the currency of a license alter the specification of the premises specificed therein on receipt of a written application from the licensee together with the license for amendment.

12. Every dealer shall require every person purchasing or acquiring a complete wireless set to produce a valid license issued in such person's name, either under these Rules to possess wireless telegraphy apparatus, or under the Indian Telegraph Act, 1885 to establish, maintain and work a wireless telegraph.

13. Every dealer shall maintain a register of wireless telegraphy apparatus and shall cause to be entered therein—

(a) the details of all such apparatus in his possession together with the dates on which the apparatus came into his possession and the sources from which he obtained it;

(b) the name and address of every person to whom he sells or otherwise transfers wireless telegraphy apparatus together with the date and particulars of such apparatus; and

(c) in the case of complete wireless sets, the details of the license specified in Rule 12 of these Rules.

14. (1) The Licensing Authority may, by order in writing, appoint Inspectors under these Rules.

(2) Such Inspector may inspect any wireless telegraphy apparatus in the possession of any person who is licensed or exempted under these Rules; and such person shall to the best of his knowledge and if so required by an Inspector give particulars regarding the name and address of any person to whom he may have transferred any wireless telegraphy apparatus.

(3) On demand from such Inspector, every person licensed under these Rules shall produce his license for inspection, and every person who is exempted under (a) of Rule 3 of these Rules shall produce his license under the Indian Telegraph Act, 1885.

(4) On demand from such Inspector every dealer shall produce the register required under Rule 13 of these Rules and shall permit the Inspector to make extracts therefrom.

15. Any breach of these Rules, other than a breach which is an offence punishable under section 6 of the Act, shall be punishable with fine which may extend to one hundred rupees.

16. The Licensing Authority may cancel any license issued under these Rules to any person who has been convicted of a breach of these Rules orof an offence punishable under section 6 of the Act.

FORM I.

INDIAN WIRELESS TELEGRAPHY ACT, 1933.

*Application for a License to possess Wireless Telegraphy Apparatus in British India.*

*Instructions.*—This application form should be forwarded to the Director-General of Posts and Telegraphs (Wireless Branch), New Delhi, and the fee of Rs. 10 for each license must also be forwarded by Post Office money order to the same address.

I ________________________________
(Name in full in English Block Capitals)

of ________________________________
(Address in full)

apply for a license to possess Wireless Telegraphy Apparatus in British India valid from

the first day of ..................193 .* / date of expiry of my license No. .......... dated .......... at ________________ (Premises at which apparatus is to be kept)

________________________________

A money order for Rs....... has been forwarded to the Director-General of Posts and Telegraphs (Wireless Branch), New Delhi, from ________________ Post Office on __________.

I hereby declare that I am* / am not a dealer in, or manufacturer of, Wireless Telegraphy Apparatus.

Signature ________________

Date ____________ 193 .

*Strike out the words not applicable.

FORM II.

Registered No.........

INDIAN WIRELESS TELEGRAPHY ACT, 1933.

LICENSE (Non-dealer) *License (non-dealer) to possess Wireless Telegraphy Apparatus in British India.*

M ________________________________
(Name in full)

of ________________________________
(Address in full)

not being a dealer in, or manufacturer of, Wireless Telegraphy Apparatus is hereby licensed (subject in all respects to the provisions of the Act and the Rules thereunder) to possess Wireless Telegraphy Apparatus and to keep the apparatus at ________________

for a period of twelve months ending on the last day of the month of __________ 193 .

The payment of the License fee of Rs. 10 is hereby acknowledged.

Dated ________ day of ____________ 193 . | Date Stamp. |

Issued on behalf of the Director-General of Posts and Telegraphs........................

NOTE.—This license does not permit the licensed apparatus to be established, maintained or worked in British India for which purpose a license is necessary under the Indian Telegraph Act, 1885 (XIII of 1885).

FORM III. Registered No................

INDIAN WIRELESS TELEGRAPHY ACT, 1933.

LICENSE
(Dealer)

*License (dealer) to possess Wireless Telegraphy Apparatus in British India.*

M________________________________
(Name in full)

of________________________________
(Address in full)

being a dealer in, or manufacturer of, Wireless Telegraphy Apparatus is hereby licensed (subject in all respects to the provisions of the Act and the Rules thereunder) to possess Wireless Telegraphy Apparatus and to keep the apparatus at ____________

for a period of twelve months ending on the last day of the month of ____________ 193 . The payment of the License fee of Rs. 10 is hereby acknowledged.

Dated_______day of______________193 . Date Stamp.

Issued on behalf of the Director-General of Posts and Telegraphs................

NOTE.—This license does not permit the licensed apparatus to be established, maintained or worked in British India for which purpose a license is necessary under the Indian Telegraph Act, 1885 (XIII of 1885).

The 7th November 1933.

**No. T.-330/33.**—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Indian Telegraph Rules, 1932, namely :—

In rules 99 and 275 of the said rules—

(*a*) After the words " telephoned to the addressee," the following shall be inserted, namely :—

" In other cases a telegram may with the consent of the addressee be delivered by telephone if this method of delivery is convenient to the Telegraph Office."

(*b*) For the words " In such cases, " the words " Whenever delivery is made by telephone " shall be substituted.

CIVIL AVIATON.

The 4th November 1933.

**No. T.-51.**—In exercise of the powers conferred by section 3 of the Indian Aircraft Act, 1911 (XVII of 1911), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Indian Aircraft Rules, 1920, the same having been previously published as required by sub-section (1) of section 13 of the said Act, namely :—

I.—In rule 2 of the said Rules,—

(*a*) before the definition of " aerodrome " the following definition shall be inserted, namely :—

" Aerial work aircraft " means aircraft used or intended to be used for industrial purposes (other than public transport) for remuneration.

(*b*) after the definition of " aerodrome " the following definitions shall be inserted, namely :—

" Aerodyne " means an aircraft, whose support in ight is derived dynamically from the reaction on surfaces in motion relative to the air, and includes all aeroplanes, helicopters, gyroplanes, gliders and kites.

" Aerostat " means an aircraft supported in the air statically and includes all air ships and balloons.

(c) after the definition of "flying machine" the following definition shall be inserted, namely :—

"Glider" means an aerodyne not provided with means of propulsion and not normally attached to any object on the surface of the earth or water.

(d) for the definition of "passenger aircraft and goods aircraft" the following definition shall be substituted, namely :—

"Passenger aircraft", "mail aircraft" and "goods aircraft" mean aircraft which effect or are intended to effect public transport of passengers (including the carriage of persons for the purpose of instruction in flying for which payment is made), mails or goods respectively.

(e) after the definition of "personnel" the following definition shall be inserted, namely :—

"Private charter" means the hire of an aircraft for the exclusive use of the hirer for the purpose of a journey other than a short pleasure flight in the neighbourhood of the place of start.

(f) after the definition of "public transport" the following definitions shall be inserted, namely :—

"Public transport aircraft" means an aircraft which effects or is intended to effect public transport of mails or goods or passengers (including the carriage of persons for the purpose of instruction in flying for which payment is made).

"Subsequent aircraft" means an aircraft which is constructed in accordance with the design and specification of a type of aircraft, which has been approved or accepted by the Governor-General in Council for the issue of a certificate of airworthiness.

"State aircraft" includes military aircraft and aircraft exclusively employed in State service, such as posts, customs, police.

II.—After rule 5 of the said Rules, the following rule shall be inserted, namely :—

Prohibition of intoxicated persons acting as pilot or entering aircraft.

5-A. No person acting as, or carried in an aircraft for the purpose of acting as pilot, commander, navigator, engineer or operating member of the crew thereof, shall, while so acting or carried, be in a state of intoxication or in a state in which, by reason of his having taken or used any sedative, narcotic or stimulant drug or preparation, his capacity so to act is impaired ; and no other person while in a state of intoxication shall enter or be in any aircraft.

III.—For rule 6 of the said Rules, the following rule shall be substituted, namely :—

Documents to be carried in aircraft.

6. (1) No person in charge of any aircraft shall allow such aircraft to be flown unless the following documents are carried on board the aircraft, namely :—

(i) the certificate of registration,

(ii) the licences of the personnel,

(iii) the certificate of airworthiness as required by rule 12,

(iv) the journey log book in cases where the keeping of a journey log book is prescribed in Part VII,

(v) the working copies of the aircraft and engine log books prescribed by Part VII, whenever the aircraft leaves its normal station,

(vi) any permit or licence for the carriage of wireless apparatus in the aircraft which may have been issued by the Director-General of Posts and Telegraphs,

(vii) any permit for the carriage of photographic or cinematographic apparatus which may have been issued under rule 8-A.

(2) In every aircraft engaged in international navigation there shall in addition be carried the following documents :—

(i) the aircraft and engine log books,

(ii) where the aircraft carries passengers, a list of their names showing their places of origin and destinations,

(*iii*) where the aircraft carries goods, bills of lading and manifests in respect thereof.

IV.—For rule 8 of the said Rules, the following rule shall be substituted, namely :—

Wireless telegraphy.

8. (1) Aircraft registered in British India shall be fitted with wireless telegraphy apparatus in accordance with the provisions of Part V-A and such apparatus shall be operated in accordance with the provisions of part V-A by personnel licensed in accordance with the provisions of Part IV.

(2) Nothing in this rule shall exempt any person from the requirements of the Indian Telegraph Act, 1885, and the rules made thereunder.

V.—After rule 8-A of the said Rules, the following rule shall be inserted, namely :—

Mails.

8-B. No person shall carry mails or allow mails to be carried in any aircraft except with the consent in writing of the Director-General of Posts and Telegraphs.

VI.—For rule 9 of the said Rules, the following rule shall be substituted, namely :—

Aerodromes.

9. No pilot or person in charge of any aircraft carrying passengers for hire or reward shall use any place as a regular place of landing or departure other than an aerodrome provided or approved by the Governor-General in Council for this purpose.

VII.—In rule 10 of the said Rules, in sub-rule (2) for sub-clauses (*ii*) and (*iii*) of clause (*d*), the following sub-clauses shall be substituted, namely :—

(*ii*) message bags, smoke producing or other apparatus or materials dropped for the purpose of navigating an aircraft or communicating messages from an aircraft, subject to the observance of such precautions as to the nature of the articles dropped and the place of dropping as will avoid risk of injuring persons or property on the ground, and

(*iii*) any other article the dropping of which is permitted by general or special order of the Governor-General in Council in writing in that behalf subject to the observance of any conditions specified in such general or special order.

VIII.—After rule 10 of the said Rules, the following rules shall be inserted, namely :—

Smoking in aircraft.

10-A. (1) The owner of every aircraft registered in British India which is provided with a certificate of airworthiness shall cause to be exhibited in a prominent place in the aircraft a notice stating where and to what extent smoking is prohibited or permitted therein.

(2) A notice permitting smoking in such aircraft may be exhibited therein only if smoking in the aircraft is permitted by the certificate of airworthiness of the aircraft or by the direction of the Governor-General in Council and only in accordance with the conditions relating to smoking contained in such certificate or direction.

(3) No person shall smoke in any aircraft registered in British India which is provided with a certificate of airworthiness unless a notice permitting smoking is exhibited in the aircraft, and any person smoking shall comply with all the terms of such notice.

Acts likely to imperil safety of aircraft.

10-B. No person shall interfere with the pilot or with a member of the operating crew of an aircraft, or temper with the aircraft or its equipment or conduct himself in a disorderly manner in an aircraft or commit any act likely to imperil the safety of an aircraft or its passengers or crew.

IX.—For rule 12 of the said Rules, the following rule shall be substituted, namely :—

Conditions to be complied wit aircraft in flight.

12. No aircraft engaged in international navigation and no passenger aircraft, goods aircraft, mail aircraft, aerial work aircraft or aircraft used by a duly constituted flying club shall be flown unless the following conditions are complied with, namely :—

(*i*) the aircraft s al be certified as airworthy and shall be maintained in airworthy condition in accordance with the provisions of Part V or (in the case of an aircraft not registered in British India) in accordance with the regulations of the State in which the aircraft is registered.

(ii) all the terms or conditions on which the certificate of airworthiness was granted shall be duly complied with.

(iii) the aircraft shall carry on board its certificate of airworthiness and any other certificates prescribed by part V or by the regulations of the State in which the aircraft is registered which it is required to carry on board. The certificate of airworthiness shall be carried in the pocket of the journey log book.

(iv) the aircraft shall be fitted with and shall have in working order such instruments and equipment as are prescribed in Part V for an aircraft of that class or description.

Provided that the Governor-General in Council may, by order in writing and subject to such conditions as may be contained in the order, exempt any aircraft from the operation of this rule.

X.—In rule 14 of the said Rules, after the word "licence" the words "or the production by a pilot of his log book" shall be inserted ;

after the words "or log book" the words "or document" shall be inserted ; and after the words "comply with such demand" the following words and proviso shall be added, namely :—

"or cause it to be complied with ;

Provided that in the case of any certificate or log book which is not by these Rules required to be carried in the aircraft, such certificate or log book shall be produced within seven days of the making of the demand."

XI.—After rule 14 of the said Rules, the following rules shall be inserted, namely :—

Power to prevent fights in contravention of the rules.

14-A. (1) Where it appears to any person authorised, in writing by the Governor-General in Council in this behalf that an aircraft is intended or likely to be flown in such circumstances as to infringe the provisions of rule 4, rule 5, rule 7 or rule 12, or in such circumstances as to infringe the provisions of any other of these Rules, and to be a cause of danger to persons in the aircraft or to persons or property on the ground, the person so authorised may give such directions or take such steps, either by way of detention of the aircraft or otherwise; as appear to him to be necessary in order to prevent the flight.

(2) Any person acting in contravention of any direction given under this rule shall, without prejudice to any other penalty he may incur under these rules, be deemed to have acted in contravention of these Rules.

Power to cancel, suspend or edorse licences and certificates.

14-B. (1) Where any person is convicted of a contravention of or failure to comply with these Rules in respect of any aircraft, the Governor-General in Council may cancel or suspend any certificate of registration granted under these Rules relating to that aircraft.

(2) The Governor-General in Council may cancel or suspend any certificate relating to the airworthiness of an aircraft granted under these Rules if he is satisfied that reasonable doubt exists as to the safety of the aircraft in question or of the type to which the aircraft in question belongs and may vary the conditions attached to any such certificate if he is satisfied that those conditions may properly be relaxed or that reasonable doubt exists whether those conditions afford a sufficient margin of safety.

(3) The Governor-General in Council may cancel, suspend or endorse any certificate or licence granted under these Rules if he is satisfied that there is sufficient ground for so doing and may suspend any such certificate or licence temporarily during the investigation of any matter forming a ground for action under this sub-rule.

(4) The Governor-General in Council may cancel or vary any particulars entered by him or under his authority in any licence or certificate granted or in any journey log book issued under these Rules.

(5) The Governor-General in Council may require the holder of any licence, certificate or other document granted or issued under these rules or any person having possession or custody of such licence, certificate or document to surrender the same to him for cancellation, suspension, endorsement or variation and any person failing to comply with any such requirement within a reasonable time shall be deemed to have acted in contravention of these Rules.

14-C. Rules 4, 5, 6, 9, 10-A, 12, 14 and 14-B shall not apply to gliders and rules 4, 5, 5-A, 6, 9, 10-(1), 10 (2) (a) (b) and (c), 10-A, 10-B, 12, 13, 14 and 14-B shall not apply to kites.

Certain rules not applicable to gliders and kites.

XII.—After the second proviso to clause (b), of sub-rule (1) of rule 19 of the said Rules, the following proviso shall be added, namely :—

Provided further that an aircraft the property of a duly constituted flying club carrying a member of the club otherwise than for the purpose of instructing such member in flying shall not, for the purpose of this rule, be deemed to be flown for public transport notwithstanding that payment may be made to the flying club for such carriage, and in a case when payment is made either directly or indirectly to the pilot of the aircraft, the aircraft shall be deemed to be flown for public transport.

XIII.—Sub-rule (2) of rule 20 of the said Rules shall be omitted.

XIV.—For Part V of the said Rules, the following shall be substituted, namely :—

## PART V.

### CERTIFICATES OF AIRWORTHINESS, OVERHAUL AND INSPECTION OF FLYING MACHINES REGISTERED IN BRITISH INDIA.

27. *Application of the Rules.*—The rules in this Part shall apply only to flying machines registered in British India.

27-A. *Standard of airworthiness.*—A certificate of airworthiness may be issued by the Governor-General in Council in respect of any flying machine which complies with minimum standards of airworthiness prescribed in the United Kingdom in respect of design, materials, methods of construction and equipment, and the owner of a flying machine in respect of which a certificate of airworthiness is required by these Rules, or is applied for or issued shall submit such evidence relating thereto and shall submit to such inspection and tests of the flying machine as may be required by the Governor-General in Council.

Provided that the Governor-General in Council may, in respect of any flying machine or class of flying machines, from time to time prescribe modifications of the standard and such modified standard shall be complied with as a condition of the issue or remaining in force of a certificate of airworthiness in respect of the flying machine or class of flying machines.

27-B. *Acceptance of foreign standards.*—The Governor-General in Council may, in respect of any flying machine, accept as evidence of compliance with the conditions of rule 27-A a valid certificate of airworthiness issued by the competent authorities in any other part of His Majesty's Dominions or in any foreign country, provided it is shewn to his satisfaction that the conditions on which such certificate of airworthiness was granted are substantially equivalent to the conditions on which a certificate of airworthiness is granted by His Majesty's Government in the United Kingdom.

27-C. *Categories and sub-divisons*—A certificate of airworthiness may be issued in respect of one or more of the categories and sub-divisions of flying machines specified in Section A of Schedule IV and the operations of the flying machine shall be restricted to those authorised for the categories to which the certificate of airworthiness extends.

28. *Instruments and equipment—minimum.*—A certificate of airworthiness shall not be granted in respect of any flying machine which is not equiped with the following instruments and equipment, which shall be in working order, namely :—

Air speed indicator.

Altimeter.

Revolution indicator.

Such gauges as may be considered necessary by the Governor-General in Council for the particular installation.

Safety belts or harness for the pilot and for each person carried in an open cock pit.

28-A. *Instruments and equipment for flight.*—Every flying machine which is required by these rules to be provided with a certificate of airworthiness, shall when flying, be fitted or equipped with the instruments and equipment specified in Section B of Schedule IV according to the circumstances of the flight. The instruments and equipment shall be of approved type and shall be maintained in working order.

28-B. *Weight.*—Every flying machine which is required by these Rules to be certified as airworthy shall be weighed and marked in accordance with the provisions of Section C of Schedule IV.

29. *Period of validity of certificates of airworthiness.*—A certificate of airworthiness shall be valid for a period of one year from the date on which the ying machine was passed for the issue of the certificate :—

Provided that in the case of damage to the flying machine such as renders it unsafe for flight, or of failure to carry out the inspections prescribed in these Rules, or of failure to carry out any compulsory, modification directed by the officer authorised by the Governor-General in Council in this behalf, or of incorporation of any modification which has not been approved by the Governor-General in Council, the certificate shall cease to be valid until the flying machine has been repaired or modified as the case may be and inspected and certified as required by these Rules.

29-A. *Renewal of certificates of airworthiness.*—The Governor-General in Council may renew any certificate of airworthiness for such further period (not exceeding one year at a time) as he may think fit, and may for this purpose require the flying machine to be overhauled, inspected and certified in accordance with rule 30, and in addition may require the flying machine to be inspected by a person authorised in this behalf by the Governor-General in Council and/or tested in flight, and the owner of the aircraft shall give all necessary facilities for such inspection and test.

30. *Periodical overhaul.*—Every flying machine required by these rules to be provided with a certificate of airworthiness, and every engine of such flying machine shall be periodically overhauled, and after every such overhaul, and after the completion of any repairs to or modification of the flying machine, the flying machine shall be inspected and certified in accordance with the provisions of section E of Schedule IV by the appropriate person licensed under rule 32.

30-A. *Modifications.*—(1) If at any time the Governor-General in Council considers modifications to a flying machine, in respect of which a certificate of airworthiness is in force, to be necessary for safety, he may require such modifications to be carried out as a condition of the certificate of airworthiness remaining in force.

Such modifications may be notified in a general notice to aircraft owners and ground engineers or in a special notice to the owner of a particular aircraft.

(2) If modifications (including changes of equipment or its installation) which affect the safety of the flying machine are carried out in a flying machine in respect of which a certificate of airworthiness is in force, then, until the modifications have been approved by the Governor-General in Council, the flying machine shall not fly except in so far as under these Rules it might fly if it had no certificate of airworthiness.

(3) Any such modifications shall be carried out by an approved method and shall be inspected by the appropriate person licensed under rule 32, who shall certify the modification in the form and manner laid down in Section E of Schedule IV.

30-B. *Right of Inspection.*—Any person authorised by the Governor-General in Council for this purpose may at any time inspect any flying machine which is required by these Rules to be certified as airworthy or in respect of which a certificate of airworthiness is in force, and may, in the case of a ying machine which is required by these Rules to be certified as airworthy, cause the flying machine to be detained until such repairs or modifications as he may consider necessary to render the machine fit for flight are executed.

31. *Daily inspection.*—(1) A public transport flying machine effecting public transport, other than under a private charter, shall not commence any flight unless it has, within the preceding 24 hours, been inspected and certified as safe for flight in accordance with these Rules by the appropriate person licensed under rule 32.

Provided, that if any such flying machine is absent from its usual station, whether by reason of delay or otherwise, for a longer period than 24 hours, it may proceed on its flight if, at the time of commencement of the flight, it has not performed more than 12 hours flying and a period of more than four days has not intervened, since it was last so inspected and certified.

Provided further that no such flying machine shall commence any flight if, since such inspection, it has suffered any damage or revealed any defect which would render the machine unsafe for flight and which could not, in accordance with ordinary aeronautical practice, be remedied by the pilot or crew.

(2) The certificate required by sub-rule (1) of this Rule shall be given in the form and manner specified in Section D of Schedule IV.

(3) The pilot or commander of every flying machine which is required by these Rules to be certified as airworthy shall before commencing any flight satisfy himself in the manner laid down in Section D of Schedule IV, according to the circumstances of the flight, that the flying machine is safe for flight.

32. *Licensing of Ground Engineers.*—(1) For the purpose of rules 30, 30-A, and 31 the Governor-General in Council may grant licences as Ground Engineers in the following categories to persons who satisfy the requirements as to practical experience, examination and tests laid down in Section F of Schedule IV, namely—

*Category A.*—Inspection of aircraft before flight.

*Category B.*—Inspection of aircraft during construction or overhaul.

*Category C.*—Inspection of aero engines before flight.

*Category D.*—Inspection of aero engines during construction or overhaul.

*Category X.*—Inspection, construction, installation and/or repair of aircraft instruments, accessories and equipment; special duties as may be specified in the license.

(2 A Ground Engineer's license shall not be gra pəʇuoʇa person who has not attained the age of 21 years.

(3) Licenses shall remain valid, unless otherwise cancelled or suspended for a period of twelve months, and may thereafter be renewed by the Governor-General in Council. A candidate for the renewal of a license may be required to undergo further examinations and tests as a condition of the renewal of the license.

(4) A Ground Engineer licensed in a particular category shall be competent to deal only with the matters specified in sub-rule (1) against the category in which he is licensed.

(5) A license granted under this rule shall specify the type or types of aircraft, aero engines, instruments, accessories or equipment which the licensee is competent to deal with, and may contain restrictions limiting his competence to deal with any particular class of work, and the Governor-General in Council may at any time vary such specifications or restrictions.

(6) Any license granted under this rule may be cancelled, suspended or endorsed by the Governor-General in Council after investigation where it appears to him that—

(*a*) the holder of such license has performed work, or granted a certificate in respect of work, which has not been performed in a careful and competent manner, or

(*b*) the holder of such license has granted a certificate in respect of any matter which he is not licensed to deal with,

(*c*) it is undesirable for any other reason that the holder of such license should continue to exercise the functions of a Ground Engineer.

33. *Fees.*—(1) The following fees shall be payable in respect of the issue, or renewal of certificates of airworthiness and Ground Engineers' licenses and duplicate certificates and licenses, and the inspections, tests and examinations required by this Part of these Rules.

*Certificates of Airworthiness.*

| | Rs. |
|---|---|
| (*a*) Issue or renewal of Certificate, including such inspections as may be required by the Governor-General in Council | 50 |
| (*b*) Issue of duplicate Certificate .. .. .. | 5 |

*Ground Engineer's Licences.*

*For the license—*

Issue, renewal or issue of a duplicate .. ..

*For each separate technical examination—*

When required, on issue, renewal or extension—

| | Rs. |
|---|---|
| (*i*) One category .. .. .. .. .. | 10 |
| (*ii*) Two categories .. .. .. .. | 15 |
| (*iii*) Each additional category .. .. .. .. | 5 |
| (*iv*) Additions of types of aircraft, engines, instruments, accessories or equipment to those already endorsed on the licence for each category in which additions are required .. | 5 |

(2) When, in view of the candidate's experience and competence, it is decided to dispense with the whole or a part of the technical examination the fee may be waived or reduced by such amount as the Governor-General in Council thinks fit.

(3) An application for a license or certificate or for the renewal or further endorsement of a license or certificate shall be accompanied by a Treasury Receipt or Money Order receipt for the sum necessary to cover all the fees payable, but when, in any case, the license or certificate is not issued or renewed, the Governor-General in Council may refund to the applicant such proportion of the sum paid as represents the cost of any examination or inspection not carried out or any license or certificate not issued.

XV.—After Part V of the said Rules, the following Part shall be inserted namely :—

PART V-A.

*Radioelectric Apparatus, Signals, etc.*

33-A. *Radioelectric Apparatus.*—(1) Every aircraft registered in British India, which has seating accommodation, according to its certificate of airworthiness, for ten or more persons including the crew, shall, when effecting public transport, carry radioelectric apparatus capable of sending and receiving telegraphic or telephonic communications, of an approved type, and installed, bonded and screened in an approved manner.

(2) Such apparatus shall be operated under the conditions defined by the International Radiotelegraph Convention of Washington and the regulations annexed thereto or any international convention and regulations which may supersede them.

(3) The installation and use of spark transmission (type B of the General Regulations annexed to the International Radiotelegraph Convention of Washington) is prohibited on board aircraft.

(4) The application of the regulations in this Part may be suspended when, owing to the absence of land wireless telegraphy organizations available for air traffic, the employment of apparatus for wireless telegraphy on board aircraft would serve no useful purpose.

33-B. *Signals.*—(1) In making or receiving signals by wireless telegraphy or other methods of communication, except by visual signals when the Morse Code is not being used, every aircraft shall use as its call sign the complete group of five letters which constitutes its nationality and registration marks, preceded in the case of a signal by radiotelephony, by the name of the owner of the aircraft.

Provided that after communication has been established by means of such call sign the aircraft may employ an abridged call sign consisting—

(*a*) in the case of radiotelegraphy, of the first and last letters of the complete call sign of five letters ;

(*b*) in the case of radiotelephony, of the whole or part of the name of the owner of the aircraft followed by the last two letters of the complete call sign of five letters.

Provided further that nothing in this rule shall affect the special provisions as to signals laid down in rules 45, 46, 47 and 48.

(2) No person in an aircraft shall make any signal prescribed by these rules except for the purposes specified therein, and no person shall knowingly make, without lawful authority, any naval, military or airforce signal.

(3) An aircraft other than a State aircraft shall not bear any mark or sign used or appropriated for use by State aircraft.

XVI.—In rule 35 of the said Rules in sub-rule (1) for clause (*b*) the following clause shall be substituted, namely :—

(*b*) in addition, for every public transport aircraft or aerial work aircraft (except where such aircraft does not leave the vicinity of its starting place and returns without landing elsewhere to its starting place) and for every aircraft engaged in international navigation, a journey log book.

XVII.—In Part X, the following headings shall be omitted, namely :—

"Inspection",

"Exemptions",

"Penalty".

XVIII.—In the rule 65 of the said Rules for clauses (*b*) and (*c*) the following clauses shall be substituted, namely :—

(*b*) at all times during working hours enter that portion of any factory or place in which aircraft or parts of aircraft or aero engines or parts of aero engines are being manufactured, overhauled, repaired or assembled and inspect any such factory or place, aircraft, aero engines or parts and any drawings relating to such ai craft, aero engines or parts.

(*c*) enter, inspect and search any aircraft for the purpose of securing compliance with any of these rules.

XIX.—After rule 65 of the said Rules, the following rule shall be inserted, namely :—

65-A. *Mutilation of log books.*—No person shall destory, mutilate, alter or render illegible any log book or any entry made therein, or wilfully make or procure or assist in the making of any false or fraudulent entry in or omission from any log book.

XX.—Rule 68 of the said Rules shall be renumbered as sub-rule (1) and the following sub-rule shall be added, namely :—

(2) It shall be a defence to any proceedings for contravention of, or failure to comply with, these rules if the contravention or failure is proved to have been due to accident, stress of weather or other unavoidable cause; and it shall be a defence to any proceedings under these rules against the owner, hirer, operator, pilot or commander of an aircraft that the alleged contravention took place without his actual fault or privity.

XXI.—After rule 68 of the said Rules, the following rule shall be inserted, namely :—

69. *Obstruction of authorised person.*—Whoever obstructs or impedes any person acting under the authority of the Governor-General in Council in the exercise of his powers and duties under these Rules, shall be deemed to have acted in contravention of these Rules.

XXII.—For Schedule IV to the said Rules, the following shall be substituted, namely :—

## SCHEDULE IV.

### DETAILED CONDITIONS APPLICABLE TO THE ISSUE, VALIDITY AND RENEWAL OF CERTIFICATES OF AIRWORTHINESS, AND GROUND ENGINEERS' LICENCES.

### SECTION A.

#### *Classification of Flying Machines.*

1. Every flying machine for which a certificate of airworthiness is granted will be classified on such certificate as belonging to one of the following categories and one or more of the following sub-divisions :—

(1) *Normal Category* :—

*Sub-division* (*a*).—Passenger machines.

*Sub-division* (*b*).—Mail machines.

*Sub-division* (*c*).—Goods machines.

*Sub-division* (*d*).—Aerial work machines.

*Sub-division (e).*—Private machines.

(2) *Special Category :—*

*Sub-division (f).*—Racing or record machines.

"Racing or record machines" are machines which are specially intended or arranged for the purpose of sporting or technical performances, to the exclusion of all other uses.

*Sub-division (g).*—Research or experimental machines.

"Research or experimental machines" are machines which are specially intended or arranged for the purpose of experimenting in flight with new apparatus, to the exclusion of all other uses.

(3) *Acrobatic Category :—*

*Sub-Divisions (a) to (g)* in the two preceding categories.

NOTES :—(*i*) An aerial work machine may be limited by the certificate of airworthiness to specific purposes for which it is designed or equipped.

(*ii*) Private machines for the purpose of certificates of airworthiness are those which may not be used for public transport or any other industrial purpose for remuneration.

(*iii*) All machines in the Normal and Special Categories are limited to straight flying, *i.e.*, are precluded from any evolution which might cause abrupt variations in the height or altitude of the machine.

(*iv*) The flight of machines in the special Category may be limited, as a precautionary measure, to certain areas and to certain periods.

(*v*) Machines in the "Acrobatic" Category are not restricted to straight flying.

(*vi*) The Category in which a flying machine may be given a certificate of airworthiness depends upon its load factors, its performance and its equipment.

2. A flying machine which is classified in any sub-division in the Normal or Special Category may be used for any of the sub-divisions which follow in those categories, and a flying machine which is classified in any sub-division in the Acrobatic Category may be used for any of the sub-divisions which follow in that category, provided in each case that while being so used all the conditions (including those relating to equipment and operation of the machine) applicable to the sub-division concerned are complied with.

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## SECTION B.

### *Instruments and equipment to be carried by flying machines.*

1. The following are the instruments and equipment required in the circumstances detailed to be carried when flying by flying machines which are required to be provided with a certificate of airworthiness :—

(1) In all flying machines :—

(*a*) For all flights :—

The instruments specified in rule 28 of Part V.

In addition, in amphibian flying machines—

Indicator of position of landing wheels.

(*b*) For flights which extend beyond a radius of 3 miles from the point of departure :—

Equipment, as required by the circumstances of the case, for making the signals prescribed in these Rules.

(*c*) For flights any part of which takes place between sunset and sunrise :—

Navigation lights.

Illumination for instruments and equipment.

(2) In public transport flying machines, in addition :—

(*d*) For flights which extend beyond a radius of 20 miles from the point of departure :—

Compass.

Watch.

Map or maps to cover the whole route of the proposed flight.

Turn Indicator }
Pitch Indicator } for machines operating on a regular scheduled air service.

(e) For flights at any point of which the machine is more than 10 miles from the nearest land :—

Life belt for each person on board.

(f) For flights by night :—

Landing lights.

(g) For flights on which a licensed navigator is required by Part IV of these rules, to be carried.

Drift Indicator, for machines with seating accommodation, as shewn in the certificate of airworthiness, for more than five persons.

Chart table.
Navigation instruments.
Navigator's air speed indicator.
Navigator's altimeter.
Navigator's compass.
} As may be required by the duties and location of the navigator.

*Note* :—The rules with regard to carriage of radio-electric apparatus are given in Part V-A.

SECTION C.

*Weighing and marking of flying machines.*

1. Every flying machine shall be weighed :—

(a) Before a certificate of airworthiness is issued in respect thereof ; and

(b) At such times after the issue of a certificate of airworthiness as the Governor-General in Council may require.

2. Every flying machine for which a certificate of airworthiness is for the time being in force shall bear clearly painted upon it in a prominent position :—

(a) its weight empty (including water in radiators), as ascertained at its last previous weighing ; and

(b) the maximum total weight authorised for it, as shown for the time being in its certificate of airworthiness ;

and shall carry displayed in a prominent position inside it a weight schedule showing what items of equipment (if any) are included in the "weight empty (including water in radiators)" as painted on it.

SECTION D.

*Inspection of aircraft before flight.*

1. *Conditions of inspection.*—The inspection of a flying machine required by rule 31 (1) shall be in accordance with the following provisions :—

(a) Inspection of the flying machine (including its instruments and equipment but exclusive of the engine or engines and engine installation and of the instruments relating thereto) shall be carried out by a ground engineer licensed in a Category A in respect of aircraft of the type in question.

(b) Inspection of the engine or engines and engine installation and of the instruments relating thereto shall be carried out by a ground engineer licensed in Category C in respect of engines of the type or types in question.

(c) The whole of the inspection may be carried out by the same ground engineer, provided that he is licensed both in Category A and in Category C in respect of aircraft and engines of the types in question.

2. *Form of ground engineer's certificate.*—The certificate of the ground engineer required by rule 31 (2) shall be made out in duplicate in the following form :—

*Certificate of safety for flight.*

Aircraft Type ..........................................................

Nationality and Registration Marks ........................................

(a) I hereby certify that I have this day inspected the above aircraft [including its instruments and equipment, but exclusive of the engine (s) and engine installation and of the instruments relating thereto], and that I am

satisfied that it is safe in every way for flight, provided that the conditions of loading specified in the certificate of airworthiness are complied with.

(Signed) ....................

Ground Engineer ; License No. ......................

Category ..........................

Date ......................

Time ......................

(*b*) And I hereby certify that I have this day inspected the engine (s) and engine installation (including the instruments relating thereto) of the above aircraft and that I am satisfied that they are in every way fit for flight.

(Signed) ....................

Ground Engineer ; License No. ......................

Category ..........................

Date ......................

Time ......................

3. *Pilot's inspection.*—The inspection of a flying machine required by rule 31 (3) shall be such as to satisfy the pilot or commander or the flying machine on the points enumerated hereunder :—

(*a*) The aircraft is equipped with the prescribed instruments and equipment.

(*b*) The aircraft, engines, instruments and equipment have been certified by a ground engineer holding the appropriate licence as fit in every way for the proposed flight, in accordance with rule 31.

(*c*) The aircraft is satisfactorily loaded with respect to total load and distribution of load as specified in the certificate of airworthiness, with such modification as may be necessitated by the conditions of the proposed flight.

(*d*) The view of the pilot is not interfered with by any obstruction not forming part of the structure of the aircraft.

(*e*) Sufficient fuel, oil and water are on board for the purpose of the proposed flight.

4. *Load sheet.*—In the case of a public transport flying machine effecting public transport on a regular air service, a load sheet shall be completed by the person superintending the loading and such load sheet shall be submitted to the pilot or commander for the purpose of satisfying himself that the conditions set out in paragraph 3 (*c*) of this section have been complied with.

5. *Disposal of certificates.*—Of the copies of the certificates referred to in this section, one copy shall be retained by the owner or operator of the aircraft, and one copy shall be carried in the journey log book until replaced by a further certificate issued under this section. The load sheet shall be kept by the owner or operator of the aircraft. Certificates and load sheets shall be kept for six months from the date of their completion.

## SECTION E.

### *Inspection of aircraft and œro engines after overhaul, repair, etc.*

1. *Conditions of Inspection.*—When any flying machine which is required by these Rules to be certified as airworthy or in respect of which a certificate of airworthiness has been issued by the Governor-General in Council or the engine (s) of such flying machine is overhauled, repaired or modified, or when any part thereof is replaced, the aircraft shall not fly again, except in so far as under these Rules it might fly if it had no certificate of airworthiness, unless and until the following conditions have been complied with :—

(1) The work shall be completed in all essential respects in accordance with (*a*) the approved type design in conformity with which the aircraft or engine was constructed, including any modifications to that design or to the aircraft or engine which may have been required or approved by the Governor-General in Council, or in accordance with (*b*) a repair scheme which has been approved by the Governor-General in Council.

(2) The materials used shall be not inferior to those authorized for the type design in conformity with which the aircraft or engine was constructed.

(3) The work shall be inspected in accordance with the provisions respecting inspection of subsequent aircraft or engines applicable to the case.

(4) A certificate in the form set out in paragraph 3 of this section, shall be obtained.

Provided that in the case of repairs where it is not reasonably practicable to comply with the above requirements, whether by reason of particulars of the type design not being available or otherwise, a temporary repair may be made for the purpose of enabling the aircraft to proceed directly to the nearest place at which a repair complying with the above requirements can be carried out, and, if the pilot is satisfied that, having regard to all the circumstances of the case, such repair is adequate for the purpose, the aircraft may then proceed to fly to such place.

Provided further that if it is proposed that such temporary repair shall remain in service, it shall be treated as a modification requiring the approval of the Governor-General in Council, and until such approval has been obtained the aircraft shall not fly except as specified in the proceeding proviso or in so far as under these Rules it might fly if it had no certificate of airworthiness.

2. *Inspection Requirements.*—The following conditions shall be complied with in the inspection of flying machines or engines during construction (including overhaul, repair, modification, or replacements), namely :—

(1) All materials used in the construction of the aircraft or engine shall be in accordance with the approved specification for the first aircraft or engine constructed of that particular type, and such material shall be adequately identified as being of the approved specification or shall be approved to comply with such specification by suitable examination, sampling and testing.

(2) The constructor's inspecting staff shall stamp, or otherwise provide means for the identification of, all parts approved by them for incorporation in the aircraft or engine in such a way that the person so approving each such part can subsequently be identified.

(3) Only parts which have been approved in accordance with sub-paragraph (2) of this paragraph may be issued to the workshops for assembly into the aircraft or engine.

(4) The constructor shall maintain an efficient process inspection during the work of assembly, and record the progress of such inspection for each component. Every component shall be finally inspected and approved by a qualified member of his inspection staff, who shall mark the component in such a way that he may afterwards be identified as the person having so approved it and he shall also sign the inspection record.

(5) Operations such as heat treatment of steels and non ferrous metals, seasoning and conversion of timber, glueing of important parts, doping, welding, whitemetalling, brazing and soldering shall be carried out by methods approved by the Governor-General in Council.

(6) The constructor shall ensure that all components and parts obtained from sub-contractors have been inspected and approved in accordance with these conditions.

(7) The constructor shall ensure that all engines fitted in the aircraft have been inspected and approved in accordance with these conditions and have passed satisfactory tests. The constructor shall provide adequate facilities for these tests.

(8) The constructor shall ensure that the instruments and equipment fitted in accordance with section B of this Schedule have been manufactured and any repairs thereto executed in accordance with approved specifications.

(9) The aircraft constructor shall ensure by suitable inspection that all engines, instruments and parts (including wiring for electrical equipment and wireless apparatus) which are fitted into the aircraft are so installed as to function correctly. The persons responsible for such inspection shall be indicated by signatures on the inspection record referred to in sub-paragraph (4) of this paragraph.

3. *Form of certificate.*—The certificate referred in condition (4) of paragraph 1 of this section shall be appended to the written particulars of the overhaul, repair, modification or replacement to which it relates, and shall be in the following form :—

I hereby certify that in carrying out the overhaul, repair, modification, replacement, specified above all the conditions required for the inspection of subsequent aircraft (aero engines) during construction which are applicable to this aircraft (aero engine) have been complied with.

Signed............................................................

Designation......................................................

Date..................................................................

4. *Persons authorised to give certificates.*—The certificate referred to in condition (4) of paragraph 1 shall be signed by a ground engineer qualified under the terms and conditions of his licence to carry out or inspect the overhaul, repair, modification, or replacement to which the certificate relates, or by a person authorised by a firm or company approved by the Governor-General in Council in this behalf, or where the overhaul, repair, or replacement has been carried out at a Royal Air Force workshop by Royal Air Force personnel by the officer in charge of that workshop.

5. *Ground engineers authorised to inspect.*—The categories of ground engineers who are authorised to inspect overhauls, replacements, modifications and repairs are as follows :—

(*a*) Inspection of flying machines, excluding engines—a ground engineer licensed in Category B in respect of aircraft of the type in question.

(*b*) Inspection of engines—a ground engineer licensed in Category D in respect of engines of the type in question.

(*c*) Inspection of instruments, equipment and accessories of aircraft and engines —a ground engineer licensed in Category X in respect of the type of instrument, equipment or accessory in question.

6. *Disposal of certificates.*—The certificate referred to in condition (4) of paragraph 1 shall, when it relates to the aircraft exclusive of the engine or engines, be written in the aircraft log book, or, when it relates to the engine or engines, be written in the engine log book, or, when it relates to instruments, equipment and accessories, in the aircraft or engine log book as may be most appropriate. Provided that if the appropriate log book is not at the place where the overhaul, repair, modification or replacement is carried out, the certificate may be given separately, but shall be pasted in the log book as soon as practicable and shall be kept with the journey log book until so pasted.

7. *Inspection after damage.*—When damage occurs to the main structure of an aircraft in respect of which a certificate of airworthiness is required by these Rules, the aircraft shall not again fly until the damage has been repaired and a certificate has been obtained in accordance with this section.

8. *Defective parts.*—When any part of an aircraft, an aero engine, or an instrument or equipment of an aircraft is revealed by inspection to be defective, the Governor-General in Council may require it to be delivered to a person authorised by him in this behalf for examination, and on a request being made by the owner such part shall be returned to him after examination.

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## SECTION F.

### *Ground Engineers' Licences. Qualifying Tests and Examinations.*

1. *Practical experience required.*—(1) An applicant for the grant of a licence under rule 82 shall normally be required to satisfy the examiner appointed or approved by the Governor-General in Council in this behalf that he has the qualifications and has had the practical experience detailed below for the appropriate category of licence.

*Category A.*—Not less than two years on aircraft maintenance or construction and maintenance.

*Category B.*—Not less than two years on aircraft construction, including overhaul and the testing of materials used in aircraft construction, and not

less than four years in all on aircraft construction and maintenance. The applicant must be the holder of a licence in Category A.

*Category C.*—Not less than two years on aero engine maintenance or construction and maintenance.

*Category D.*—Not less than two years on aero engine construction, including overhaul and the testing of materials used in aero engine construction, and not less than four years in all on aero engine construction and maintenance. The applicant must be the holder of a licence in Category C.

*Category X.*—Such practical experience of the particular work of which the licence is required as in the opinion of the authorised examiners will enable the candidate to perform satisfactorily the duties for which the licence is required.

(2) A shorter period of practical experience than that specified may be accepted as sufficient on proof that the candidate has otherwise acquired adequate engineering experience which may be applied to the construction or maintenance of aircraft, aero engines, instruments, accessories or equipment as the case may require.

(3) A candidate whose experience is limited to particular types of construction, methods of overhaul or materials may be granted a licence restricted to those particular types of construction, methods of overhaul or materials ;

Provided that an applicant for such a restricted licence in Category B or D shall have had not less than one year's experience in the complete overhaul or construction and everhaul of aircraft or aero engines *as the case may be* and not less than three years' experience, in all in aircraft construction overhaul *and* maintenance, or aero engine construction overhaul *and* maintenance, as the case may be, and shall if an applicant for a B licence have held an A licence for one year, and if an applicant for a D licence have held a C licence for one year.

2. (*a*) *Technical examination.*—An applicant for the grant of a licence shall be required to pass to the satisfaction of the examiner an examination in the subjects detailed below for the appropriate category of licence :—

*For all Categories.*

Duties and responsibilities of a ground engineer ; approved materials and distribution procedure ; procedure regarding modifications ; forms and procedure regarding certificates and log book entries ; prescribed equipment of aircraft ; general principles of engineering practice.

*Category A.*

*Inspection of aircraft before flight.*

Elementary theory of flight as applied to rigging ;

Erection and inspection of aircraft and adjustment of flying controls ;

Inspection for wear and tear and inspection after accident ;

Methods of carrying out repairs, replacements and modifications permitted under Category A ;

Common defects of aircraft components ;

Fitting and inspection of aircrews ;

Principles of construction, installation and inspection of air speed indicators and altimeters ;

Principles of construction, installation and inspection of various types of turn indicators and electrical equipment ;

Erection, truing and inspection of hulls and/or floats.

*Category B.*

*Inspection of aircraft during construction or overhaul.*

The subjects for Category A, and in addition :—

Processes of manufacture, inspection, testing and identification of aircraft materials and parts ;

Methods of repair, assembly, inspection and testing of aircraft components and complete aircraft.

*Category C.*

*Inspection of aero engines before flight.*

Principles of internal combustion engines ;

Constructional details of types of aero engines ;

Top overhaul ; methods, common defects and permissible allowances for wear and distortion ;

Clearances and tolerances, use of measuring instruments, and knowledge of principles of expansion of metals ;

System of carburation, ignition and lubrication ;

Detection and correction of running defects ;

Installation of engines and inspection of installation and engine controls ;

Fitting and inspection of airscrews ;

Principles of construction, installation and inspection of aero engine instruments

Routine inspection and testing of aero engines preparatory to flight.

*Category D.*

*Inspection of aero engines during construction or complete overhaul.*

The subjects of Category C, and in addition :—

Processes of manufacture, inspection, testing and identification of aero engine materials and parts ;

Methods of repair, assembly, inspection and testing of aero engine components and complete aero engines.

*Note.*—In the case of restricted B and D licences such portions of the appropriate syllabus may be omitted as the examiner thinks fit.

*Category X.*

One or more of the following subjects according to the purpose for which the licence is required :—

(1) Repair, overhaul and testing of magnetos.

(2) Repair, overhaul, testing and calibration of aircraft and aero engine instruments.

(3) Inspection, packing and maintenance of parachutes.

(4) Installation and compensation of compasses in aircraft.

(5) Construction and repair by welding.

(*b*) The examiners may require a candidate to undergo a practical test in any of the subjects of examination.

(*c*) An applicant for the renewal of a licence, who has not, since the issue of the licence, been employed on the work for which the licence was issued may be required to undergo re-examination as a condition of the renewal of the licence.

SECTION G.

*General.*

1. Application for the issue or renewal of certificates of airworthiness and ground engineers' licences should be made to the Director of Civil Aviation in India, Simla/New Delhi, by whom all the necessary forms will be supplied on demand, and by whom instructions will be issued as to the place and time of inspection or examination and as to further information or evidence required for the purpose of the issue of the certificate or licence.

2. The detailed syllabus of examination for ground engineers will be supplied by the Director of Civil Aviation in India, Simla/New Delhi, on demand.

XXIII.—In Schedule VI of the said Rules, the following shall be omitted namely ;—

Forms J, K, L. and M.

D. G. MITCHELL,

Secretary to the Government of India.

1300 CS—798—24-11-33—SGPP Lahore.

**Registered No. L. 864**

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, DECEMBER 1, 1933.

## PART II.

## Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," SIMLA, SATURDAY, SEPTEMBER 16, 1933.

### DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

AGRICULTURE.

Simla, the 12th September 1933.

**No. F.-392/33.**—The Ministry of Agriculture and Fisheries has amended the regulations affecting the importation of plants into England and Wales contained in the Destructive Insects and Pests Order of 1922, a summary of which was published in this Department notification No. 360, dated the 29th February, 1924. The revised order called the "Importation of Plants Order of 1933," which came into force on the 15th July, 1933, is published for general information as an appendix to this notification. An Order in identical terms applicable to Scotland has been made by the Department of Agriculture for Scotland.

2. The arrangements published in paragraph 2 of this Department notification No. 360, dated the 29th February, 1924, for the inspection and certification of plant consignments intended for export from this country to the United Kingdom and the Irish Free State will continue. The Secretary, Agricultural and Horticultural Society of

India, Alipore, Calcutta, has also since been authorised to issue the necessary certificates in respect of plants exported through the port of Calcutta. The Society will levy a fee at 5 per cent. on the invoice value of the consignment subject to a minimum charge of Rs. 5. Exporters from the provinces adjacent to Bengal may also obtain the requisite certificates from the Secretary of this Society on payment of the prescribed fee.

STATUTORY RULES AND ORDERS, 1933, No. 558.

## DESTRUCTIVE INSECT AND PEST, ENGLAND.

THE IMPORTATION OF PLANTS ORDER OF 1933, DATED JUNE 7, 1933.

(D. I. P. 567.)

The Minister of Agriculture and Fisheries by virtue and in exercise of the powers vested in him under the Destructive Insects and Pests Act, 1877 to 1927, (a) and of every other power enabling him in this behalf, orders as follows :—

*Definitions.*

1. In this Order, unless the context otherwise requires :—

"Importer" includes any person who, whether an owner, consignor or consignee, agent or broker, is in possession of, or in anywise entitled to the custody or control of, the article.

"Inspector" means an Inspector or other authorised officer of the Ministry of Agriculture and Fisheries.

"Minister" means the Minister of Agriculture and Fisheries.

"Plant" includes tree and shrub, and the fruit, seeds, tubers, bulbs, cormis, rhizomes, roots, layers, cuttings and other parts of a plant.

"Raw Vegetables" includes raw onions, raw tomatoes, raw aubergines and raw salads.

"Unhealthy" means affected with any insect, fungus or other pest destructive to agricultural or horticultural crops.

*Application of Order.*

2. Nothing in this Order shall be deemed to prohibit or restrict the landing or transhipment in England or Wales of any produce grown in Scotland, Northern Ireland, the Irish Free State, the Isle of Man or the Channel Islands.

*Prohibition against landing and restriction on transhipment in England or Wales of certain potatoes.*

3.—(1) The landing in England or Wales of any potatoes grown in the undermentioned countries is prohibited :—

the United States of America, the Dominion of Canada and European France.

(2) The transhipment in England or Wales of any of the potatoes specified in subsection (1) of this Article is prohibited except under and in accordance with the conditions of a licence issued by the Minister or by an Inspector.

(3) In this Article "potatoes" includes potato haulms, leaves and stalks.

*Restrictions on landing in England or Wales of certain Plants and Potatoes.*

4.—(1) The landing in England or Wales of any of the plants mentioned in the First Schedule to this Order and of potatoes is hereby prohibited, unless each consignment is accompanied by two copies of a certificate of a duly authorised Official of the Phytopathological Service of the country in which the plants or potatoes were grown in the form prescribed in the Second Schedule to this Order. The inspection referred to in the certicate shall be carried out not more than fourteen days prior to the date of shipment. The original of the certificate shall be forwarded by post by the exporter to the Horticulture Branch of the Ministry of Agriculture and Fisheries, 10, Whitehall Place, London, S. W. 1, before the plants or potatoes are despatched. Except in the case of consignments imported through the post, a copy of the prescribed certificate shall be delivered to an Officer of Customs and Excise at the same time as and together with the entry relating to

(a) 40-1 V. c. 68, 7 E. 7 c. 4 and 17-8 G. 5. c. 32.

the consignment. In the case of consignments imported through the post, a copy of the prescribed certificate shall be affixed to each package.

(2) In the case of any of the plants mentioned in the First Schedule and grown in European France, the certificate referred to in this Article shall include a statement by an Officer of the French Services d'Inspection Phytopathologique in the form set out in the Third Schedule to this Order.

(3) Nothing contained in this Article shall be deemed to permit the landing or transhipment in England or Wales of any potatoes of which the landing or transhipment is prohibited or restricted under Article 3 hereof.

*Restrictions on the landing in England or Wales of Raw Vegetables.*

**5.**—(1) The landing in England or Wales between the fifteenth day of March and the fourteenth day of October in any year of any raw vegetables grown in European France is hereby prohibited unless each consignment is accompanied by a certificate issued by an Officer of the French Services d'Inspection Phytopathologique in the form set out in the Third Schedule to this Order.

(2) The landing in England or Wales between the fifteenth day of March and the fourteenth day of October in any year of any raw vegetables not grown in European France is hereby prohibited unless each consignment is accompanied by a certificate of origin vise by a competent authority in the country of origin, stating the country and place where the produce was grown. The certificate prescribed in this Article shall be delivered to an Officer of Customs and Excise at the same time as and together with the entry relating to the consignment.

(3) Nothing contained in this Article shall be deemed to permit the landing or transhipment in England or Wales of any potatoes of which the landing or transhipment is prohibited or restricted under Article 3 hereof.

*Restrictions on the landing in England or Wales of certain raw apples.*

**6.**—(1) The landing in England or Wales between the fifteenth day of March and the fourteenth day of October in any year of any cider apples grown in any European country other than France is hereby prohibited unless each consignment is accompanied by a certificate of origin vise by a competent authority in the country of origin, stating the country and place where the apples were grown.

(2) The landing in England or Wales between the fifteenth day of March and the fourteenth day of October in any year of any cider apples grown in European France is hereby prohibited unless each consignment is accompanied by a certificate issued by an Officer of the French Services d'Inspection Phytopathologique in the form set out in the Third Schedule to this Order.

(3) The landing in England or Wales between the seventh day of July and the fifteenth day of November in any year of any raw apples grown in the United States of America is hereby prohibited unless each consignment is accompanied by a certificate signed by a duly authorised Inspector of the Federal Department of Agriculture in the form set out in the Fourth Schedule to this Order.

(4) The certificate prescribed in this Article shall be delivered to an Officer of Customs and Excise at the same time as and together with the entry relating to the consignment.

*Procedure where Plants, Potatoes, Raw Apples or Raw Vegetables are landed in contravention of this Order.*

**7.**—(1) If plants, potatoes, raw apples or raw vegetables are landed in England or Wales in contravention of this Order, they shall forthwith be destroyed or re-exported at the expense of the importer, unless they are otherwise disposed of in accordance with the terms of a licence issued by the Minister or by an Inspector.

(2) Such licence may provide for the examination of any such plants, potatoes, raw apples, or raw vegetables, and after examination thereof, the Inspector shall give a certificate stating whether the plants, potatoes, raw apples or raw vegetables or any of them are unhealthy or not. Such plants, potatoes, raw apples or raw vegetables as are so certified to be unhealthy shall be dealt with in accordance with Article 9 hereof as the Minister or the Inspector may direct.

(3) The importer shall pay for the said certificate such fee as the Minister may determine not exceeding five pounds.

*Powers of Inspector in respect of consignments of plants, potatoes, raw apples or raw vegetables.*

**8.** An Inspector, upon production if so required of his appointment or authority, may enter any premises and examine and take samples of any consignment or part

of a consignment of plants, potatoes, raw apples or raw vegetables landed or suspected of having been landed in England or Wales, notwithstanding that such consignment was accompanied by such certificates as are required by this Order. For the purpose of any examination under this Article, an Inspector may open, or require the importer to open, any package in the consignment.

*Procedure in the case of unhealthy consignments of plants, potatoes, raw apples or raw vegetables.*

**9.**—(1) If it appears to an Inspector at any time that any plants, potatoes, raw apples, or raw vegetables in any consignment or part of a consignment landed in England or Wales, are unhealthy, he may serve upon the importer a notice stating that such plants, potatoes, raw apples or raw vegetables have been found by him to be unhealthy, and requiring the importer, within such time as m y be specified in the notice, to carry out such measures of disinfection or treatment as may be specified in the notice, or to destroy or re-export the whole or any part of the consignment.

(2) Any measure of disinfection or treatment required by a notice under this Article shall be carried out by the importer upon whom the notice is served, under the supervision of an Inspector at a suitable place designated by the Inspector, and no part of the consignment shall be moved from the place designated without the written authority of the Minister or the Inspector.

(3) Charges for or in connection with the removal, storage, disinfection, treatment, destruction or re-exportation, required by any such notice, shall be paid by the importer on whom the notice is served.

(4) In this Article " consignment " includes packing materials, cases and containers.

*Licences.*

**10.** Notwithstanding any provisions of this Order, any plants, potatoes, raw apples, or raw vegetables may be landed in England or Wales under and in accordance with the conditions of a licence issued by the Minister or by an Inspector.

*Service of Notices, etc.*

**11.** For the purpose of this Order, a notice shall be deemed to be served on any person if it is delivered to him personally or left for him at his last known place of abode or business or sent through the post in a letter addressed to him there; and a notice purporting to be signed by an Inspector shall be *primâ facie* evidence that it was signed by him.

*Information to be given as to plants, potatoes, raw apples or raw vegetables landed in England or Wales.*

**12.** Every person who has or has had in his possession or under his charge any plants, potatoes, raw apples or raw vegetables landed in England or Wales, and every person who as auctioneer, salesman or otherwise, has sold or offered for sale any such plants, potatoes, raw apples or raw vegetables shall, if so required in writing by the Minister or an Inspector, give to the Minister or Inspector all such information as he possesses at to the persons who have or have had in their possession or under their charge such plants, potatoes, raw apples, or raw vegetables, provided that any information given under this Article shall not be available as evidence against the person giving the same in any prosecution under this Order, except in respect of an alleged failure to comply with this Article.

*Offences.*

**13** Every person shall be liable on conviction to a penalty not exceeding ten pounds, or in respect of a second or subsequent offence to a penalty not exceeding fifteen pounds who wilfully obstructs or impedes an Inspector in the exercise of his powers under this Order or who does any act in contravention of this Order or of the terms or conditions of any notice or licence served or issued thereunder, or fails to do any act which he is required to do by this Order or any such notice or licence.

This Article does not apply to the landing or attempted landing of anything in contravention of this Order, the penalty for which is provided by section 1 of the Destructive Insects Act, 1877, as amended by the Destructive Insects and Pests Acts, 1907 and 1927.

*Revocation of Orders.*

**14.** The Orders specified in the Fifth Schedule to this Order are hereby revoked.

Provided that the revocation shall not—

(*i*) affect the previous operation of such Orders or anything duly done or suffered under such Orders; or

(*ii*) affect any right, privilege, obligation or liability acquired, accrued or incurred under such Orders; or

(*iii*) affect any penalty incurred in respect of any offence committed against such Orders ; or

(*iv*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability or penalty as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced, and any such penalty may be imposed as if this Order had not been made.

*Commencement.*

15. This Order shall come into operation on the fifteenth day of July, nineteen hundred and thirty-three.

*Short Title.*

16. This Order may be cited as the Importation of Plants Order of 1933.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this seventh day of June, nineteen hundred and thirty-three.

(L.-S.)

H. E. DALE,
Principal Assistant Secretary.

FIRST SCHEDULE.

All living plants and parts thereof (except seeds) for planting.

SECOND SCHEDULE.

This is to certify that { the living plants / a representative sample of the living plants }

(*Strike out the words not applicable*)

included in the consignment, of which particulars are given below, were/was thoroughly examined on the__________ (date) by __________ (name) a duly authorised Official of the__________ and found to be healthy, no evidence of the presence of any insect, fungus or pest destructive to agricultural or horticultural crops having been found in them.

*This additional certificate must be given for all potatoes :—*

It is further certified that no case of the disease known as "wart disease" or "black scab" of potatoes (*Synchytrium endobioticum*) has occurred at any time on the farm or holding where the potatoes included in the consignment were grown, nor within two kilometres thereof.

(Signed)__________

(Official status)__________

No. and description of packages__________

Distinguishing marks__________

Description of living plants or parts thereof __________

Stated to be grown at__________

Exported by__________

Name and address of consignee __________

Name of vessel__________

Date of shipment__________

Port of landing in England or Wales__________

THIRD SCHEDULE.

This is to certify that the Colorado Beetle (*Leptinotarsa decemlineata*) does not exist and has not been known to exist within a radius of at least 200 kilometres of the place where the living plants, raw vegetables, or cider apples included in the package or consignment described below were grown.

(Signed)__________

(Official status)__________

No. and description of packages ____________

Distinguishing marks ____________

Description of living plants, raw vegetables or cider apples ____________

____________

Stated to be grown at ____________

Exported by ____________

Name and address of consignee ____________

____________

Name of vessel ____________

Date of shipment ____________

Port of landing in England or Wales ____________

## FOURTH SCHEDULE.

This is to certify that the raw apples included in the package or consignment described below are of one of the following grades as recognised by the Department of Agriculture of the United States of America.

"U. S. Fancy," "Extra Fancy."

"U. S. (No. 1)," "Fancy."

Signature ____________

Official status ____________

Date ____________

*Description of Consignment.*

Number and Nature of Packages ____________

Distinguishing marks ____________

____________

Variety of Apples ____________

Name and address of consignee ____________

____________

Name of vessel ____________

Date of shipment ____________

Port of shipment ____________

## FIFTH SCHEDULE.

Colorado Beetle (Customs) Order of 1877. (*a*)

Destructive Insects and Pests Order of 1922. (*b*)

Destructive Insects and Pests (Amendment) Order of 1927. (*c*)

Colorado Beetle Order of 1924. (*d*)

Colorado Beetle Order of 1925. (*e*)

Colorado Beetle Order of 1931. (*f*)

Importation of Potatoes (Canary Islands) Order of 1927. (*g*)

Importation of Potatoes (Malta) Order of 1927. (*h*)

Importation of Raw Apples Order of 1930. (*i*)

(*a*) S. R. & O. Rev. 1904, IV, Destructive Insect, p. 1.

(*b*) S. R. & O. 1922 (No. 583) p. 178.

(*c*) S. R. & O. 1927 (No. 1129) p. 339.

(*d*) S. R. & O. 1924 (No. 1470) p. 236.

(*e*) S. R. & O. 1925 (No. 174) p. 241.

(*f*) S. R. & O. 1931 (No. 879) p. 259.

(*g*) S. R. & O. 1927 (No. 377) p. 336.

(*h*) S. R. & O. 1927 (No. 571) p. 338.

(*i*) S. R. & O. 1930 (No. 522) p. 440.

RAM CHANDRA,

Joint Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, NOVEMBER 18, 1933.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATIONS.

New Delhi, the 16th November 1933.

**No. 3101-G.**—Sardar Sahib Sardar Sudarshan Singh Vaghalia, Deputy Superintendent of Police, Punjab, is appointed Watch and Ward Officer in the Legislative Assembly Department with effect from the 10th November 1933, as a temporary measure.

The 17th November 1933.

**No. F.-43-III-33-A.**—In continuation of the Notification No. F.-43-II-33-A, dated the 1st July 1933, His Excellency the Governor-General, in exercise of the powers conferred by sub-section (2) of section 63-D of the Government of India Act, is pleased to direct that the session of the Legislative Assembly, which commenced at Simla on Tuesday, the 22nd August 1933, shall continue to be held at New Delhi.

MD. RAFI,

Secretary to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATIONS.

INDIAN TEA CONTROL ACT.

BY-LAWS.

New Delhi, the 15th November 1933.

**No. 106-T. (4)/33 (B).**—The following by-laws which have been made by the Indian Tea Licensing Committee in exercise of the power conferred by sub-section (*1*) of section 6 of the Indian Tea Control Act, 1933 (XXIV of 1933), and with the previous sanction of the Governor-General in Council under sub-section (2) of the said section are hereby published for general information :—

1. These by-laws may be called the Indian Tea Control Act by-laws.

2. In these by-laws—

(*a*) 'Act' means the Indian Tea Control Act, 1933 (XXIV of 1933) ;

(*b*) 'Controller' means the Chief Executive Officer at Calcutta or Coonoor appointed under section 5 of the Act.

3. (1) The Chairman of the Committee may, whenever he thinks fit, and shall, upon requisition in writing signed by a majority of the members of the Committee, call a meeting of the Committee for the transaction of business.

(2) The Chairman of a Sub-Committee appointed under the Act may, whenever he thinks fit, and shall, upon a requisition in writing signed by a majority of the members of the Sub-Committee, call a meeting of the Sub-Committee for the transaction of business.

4. (1) The Chairman of the Committee or of a Sub-Committee shall, if present, preside at meetings of the Committee or of the Sub-Committee, as the case may be.

(2) In the absence of the Chairman, the members of the Committee or of the Sub-Committee, as the case may be, may elect one of their number to preside.

5. All questions which may come before the Committee or of the Sub-Committee at any meeting shall be decided by a majority of votes. No member shall vote by proxy.

6. In the event of an equality of opposing votes at any meeting of the Committee or a Sub-Committee the President shall have a second or casting vote.

7. (1) Any business which the Committee or a Sub-Committee is required to transact may, if the Chairman of the Committee or of the Sub-Committee so direct, be referred to it by circulation to all members, and any resolution or proposal so circulated and approved by a majority of the members who have recorded their views in writing shall be as effectual and binding as if such resolution or proposal had been adopted at a meeting of the Committee or the Sub-Committee concerned, provided that a majority of the members have recorded their views on the resolution or proposal.

(2) When any business is referred to the members of the Committee or of a Sub-Committee by circulation, the Chairman of the Committee or the Sub-Committee concerned shall allow a period of not less than 12 days for the receipt of replies, such period to be reckoned from the date on which the business under consideration was posted.

8. (1) The members of the Committee appointed under clauses (*a*) and (*b*) of sub-section (1) of section 3 of the Act shall appoint a Standing Sub-Committee from amongst themselves for the consideration of matters connected with purposes of the Act having particular reference to North India, and the members of the Committee appointed under clauses (*c*) and (*d*) of sub-section (1) of section 3 of the Act shall constitute a Standing Sub-Committee for the consideration of matters having particular reference to South India.

(2) Members of a standing Sub-Committee shall elect a chairman from amongst themselves.

9. The Standing Sub-Committees shall deal with all representations other than formal applications in respect of quotas in their respective districts.

10. The Standing Sub-Committees and all Sub-Committees appointed under the Act, shall exercise their powers subject to such instructions, directions or limitations, if any, as may be defined by resolution of the Committee and all acts of all Sub-Committees shall be subject to the control of the Committee which may cancel, suspend or modify as it thinks fit, any such act.

11. (1) The Secretary or Assistant Secretary of the Committee and the Controllers severally in their respective areas may receive applications for quota from owners of tea estates, intimate quotas to owners, register transfers, countersign export licences, receive applications for permission to plant tea under sub-section (*1*) of section 27 of the Act, and subject to the orders of the Committee may grant or refuse the permission applied for or grant such permission in part only or call for further information from the applicant.

(2) In the absence of leave, through illness or other causes, of the Controller or the Secretary or Assistant Secretary of the Committee the powers delegated to them under this by-law may be exercised by any person empowered by the Committee in that behalf.

(3) The powers delegated under this by-law shall be exercised subject to the control of the Committee.

12. The actual out-of-pocket expenses of members attending meetings of the Committee or of a Sub-Committee shall be chargeable to the funds of the Committee.

13. The Secretary and Assistant Secretary of the Bengal Chamber of Commerce shall be *ex-officio* Secretary and Assistant Secretary respectively of the Committee and the secretarial work of the Committee shall be carried on by the staff of the Bengal Chamber of Commerce. Such remuneration shall be paid to them as may be agreed upon from time to time between the Committee and the Committee of the Bengal Chamber of Commerce.

14. (1) Subject to the provisions of by-law 13, all appointments of officers and servants of the Committee shall be made by the Committee, except that in the case of servants drawing a monthly salary not exceeding Rs. 100 per mensem appointments may be made by the Controller of the district concerned or by the Secretary or Assistant Secretary of the Committee, subject in each case to the approval of the Chairman of the Standing Sub-Committee of the area concerned.

(2) The authority which is empowered to appoint any officer or servant of the Committee shall also be the authority competent to dismiss, promote or degrade such officer or servant.

(3) The Committee may by resolution delegate to the Chairman of the Committee, or the Chairman of a Standing Sub-Committee, such of its powers under this by-law as it may deem fit.

TARIFFS.

The 15th November 1933.

**No. 106-T. (4)/33 (C).**—In exercise of the powers conferred by Section 10 of the Indian Tea Control Act, 1933 (XXIV of 1933), the Governor-General in Council is pleased to make the following rules, namely :—

*Rules.*

1. In these rules—

(1) " Act " means the Indian Tea Control Act, 1933 (XXIV of 1933).

(2) " Controller " means the Chief Executive Officer at Calcutta or Coonoor appointed under Section 5 of the Indian Tea Control Act, 1933 (XXIV of 1933).

2. The Committee shall maintain offices in Calcutta and Coonoor for the transaction of its business and may open offices in other localities should necessity arise.

3. Not less than two meetings of the Committee shall be held in each financial year.

4. Five members shall form a quorum for meetings of the Committee and three members shall form a quorum for meetings of any Sub-Committee, provided that two members shall form a quorum for meetings of a Standing Sub-Committee for South India.

5. A record shall be maintained of all business transacted by the Committee or by any Sub-Committee.

6. The Committee shall submit to the Governor-General in Council as soon as may be possible after the last day of each month abstract statements in Forms A, B and C, set out in the Schedule annexed hereto.

7. (1) The Committee shall, in the month of February in each year, prepare an estimate of its income and expenditure for the year commencing on the first day of April next ensuing.

(2) A copy of such estimate shall be submitted for approval to the Governor-General in Council.

8. (1) The accounts of the Committee shall relate to the financial year and shall be made up for each financial year and forwarded to the Governor-General in Council as soon as possible after its close.

(2) The receipts shall include all sums received by the Committee during the financial year to which the accounts relate and shall be shown under the following heads :—

(a) Sums received under section 21 of the Act ;

(b) Interest accrued on investments ;

(c) Miscellaneous.

The opening balance shall be shown at the head of the account on the receipt side.

(3) The expenditure shall be shown under the following heads :—

(a) Office rent for North and South India separately ;

(b) Establishment for North and South India separately ;

(c) Travelling expenses ;

(d) Fees paid for inspection, reports, etc. ;

(e) Payments to the International Committee ;

(f) Miscellaneous.

The closing balance of the year shall be shown at the foot of the expenditure side.

9. (1) The current account of the Committee shall be kept in the Imperial Bank of India, and all monies at the disposal of the Committee, with the exception of petty cash and of monies placed in fixed deposit or invested in accordance with the provisions hereinafter contained, shall be paid into that account.

(2) Any funds not required for current expenditure may be placed in fixed deposit with any bank approved in this behalf by the Governor-General in Council or invested in the name of the Committee in any security in which trust property may lawfully be invested under the Indian Trusts Act, 1882.

(3) The placing of money in fixed deposit and the investment thereof and the disposal of monies so placed or invested shall require the sanction of the Chairman of the Committee.

(4) Payments by or on behalf of the Committee shall be made in cash or by cheque drawn against the current account of the Committee.

(5) Such cheques and all orders for making deposits or investments, or for the withdrawal of the same, or for the disposal in any other manner of the funds of the Committee, except in pursuance of the provisions of sub-section (2) of section 9 of the Act, shall in the case of North India be signed by the Secretary or Assistant Secretary of the Committee and countersigned by the Chairman or by any member of the Committee authorised by him in this behalf, and in the case of South India shall be signed by the Controller at Coonoor and countersigned by any member of the Committee authorised by the Chairman in this behalf.

## SCHEDULE.

(Rule 6.)

### FORM A.

*Return of Export Licences issued by the Committee.*

| Total of quotas allotted. | Total of Licences issued to the end of the previous month. | Licences issued during the month. | Total of Licences issued. |
|---|---|---|---|
| | | | |

### FORM B.

*Return of shipments.*

| Indian overseas export allotment for the year. | Total of shipments up to the end of the previous month. | Shipments during the month. | Total of shipments. |
|---|---|---|---|
| | | | |

### FORM C.

*Return of Permits to Plant (Sections 26 and 27).*

| Month. | Province. | Permissible area in acres. | Area of permits previously granted in acres. | Granted during the month in acres. | Total to date. | Balance still available. |
|---|---|---|---|---|---|---|
| | | | | | | |

**No. 106-T.-(4)/33-(D).**—In exercise of the powers conferred by section 28 of the Indian Tea Control Act, 1933 (XXIV of 1933), the Governor-General in Council is pleased to make the following rules to regulate the manner in which the export quotas of tea estates shall be determined and to prescribe the forms of export licences, special export licences and permits issued by the Indian Tea Licensing Committee, namely :—

*Rules.*

1. In these rules—

(1) " Act " means the Indian Tea Control Act, 1933 (XXIV of 1933) ;

(2) " Crop basis of a tea estate " means the maximum production of a tea estate in any one of the years 1929, 1930, 1931 and 1932 with the addition of an allowance for young clearings on the scale set forth in the first Schedule ;

(3) " Young clearings " means—

(*a*) areas planted with tea subsequently to the year 1927 not in replacement of abandoned areas, and

(*b*) areas planted or replanted subsequently to the year 1927 in replacement of old tea uprooted or abandoned where no crop from the uprooted or abandoned areas was taken into consideration in arriving at the maximum production.

2. The export quota of a tea estate shall be that amount of tea which bears the same proportion to the crop basis of the estate as the total Indian overseas export allotment bears to the total of the crop bases of all tea estates.

3. The owner of a tea estate desiring to be allotted an export quota in any financial year shall, on or before the 1st February in the preceding year, furnish to the Committee a statement showing the crop basis of such estate. Failing such application and the supply of such further information as the Committee may call for under sub-section (1) of section 20 of the Act, the Committee may refuse to allot any quota.

4. The Governor-General in Council may, in cases of special hardship, permit the Committee to modify the application of the foregoing rules.

5. All applications for special treatment under rule 4 shall be submitted to the Committee along with the application for the allocation of an export quota. The Committee shall forward all such applications to the Governor-General in Council together with its recommendations.

6. (1) Export licences issued by the Committee shall subject to sub-rule (4) be in Form A or Form B set forth in the Second Schedule.

(2) Special export licences issued by the Committee shall subject to sub-rule (4) be in Form C or Form D set forth in the Second Schedule.

(3) Permits issued by the Committee shall subject to sub-rule (4) be in Form E set forth in the Second Schedule.

(4) The Committee may either generally or in any particular case include such other particulars as it may consider necessary in the Forms set out in the Second Schedule.

## FIRST SCHEDULE.

[*Rules 1(2).*]

The allowances for young clearings in each of the years 1933-34, 1934-35, 1935-36, 1936-37 and 1937-38 shall be as set out in the following table :—

TABLE.

| Year of planting. | Allowances in lbs. per acre during | | | | |
|---|---|---|---|---|---|
| | 1933-34. | 1934-35. | 1935-36. | 1936-37. | 1937-38. |
| 1928 .. .. .. | 400 | 400 | 400 | 400 | 400 |
| 1929 .. .. .. | 300 | 400 | 400 | 400 | 400 |
| 1930 .. .. .. | 200 | 300 | 400 | 400 | 400 |
| 1931 .. .. .. | *nil* | 200 | 300 | 400 | 400 |
| 1932 .. .. .. | *nil* | *nil* | 200 | 300 | 400 |
| 1933 .. .. .. | *nil* | *nil* | *nil* | 2 0 | 300 |
| 1934 .. .. .. | *nil* | *nil* | *nil* | *nil* | 200 |

## SECOND SCHEDULE.

### FORM A.

(Rule 6.)

*Available only for shipment between 1st April 19     and 31st March 19     .*

No.__________

Date__________

**Direct Tea Shipment Export Licence.**

Estate__________ Registered No.__________

Post Office__________ District__________

Port of Shipment__________

Shipping Agents__________

**Particulars of Teas despatched for Shipment.**

| Invoice No. | Chests. | Weight in lbs. |
|---|---|---|
| | | |

*Manager or Agen) s).*

Certified as passed for export.

For and on behalf of the Indian Tea Licensing Committee.

*Controller.*

### FORM B.

Serial No.__________

Licence No.__________

*Available only for shipment between 1st April 19     and 31st March 19     for tea purchased in sale or privately carrying Export Rights.*

Date__________

This is to authorise

Messrs.__________

to export __________ lbs. (

__________lbs.) of tea carrying Export Rights.

For and on behalf of the Indian Tea Licensing Committee.

*Controller.*

I/We certify that the teas exported out of India under this Licence were purchased by me/us with Export Rights.

*Exporter.*

FORM C.

**Special Export Licence** covering teas not shipped on or before 31st March 19 , shipment which may be effected up to and including 30th June 19 .

No.__________

Date__________

## Direct Tea Shipment Export Licence.

Estate __________ Registered No. __________

Post Office__________ District __________

Port of Shipment__________

Shipping Agents __________

### Particulars of Teas despatched for Shipment.

| Invoice No. | Chests. | Weight in lbs. |
|---|---|---|
| | | |

*Manager or Agent(s).*

Certified as passed for export.

For and on behalf of the Indian Tea Licensing Committee.

*Controller.*

FORM D.

Serial No.__________

Licence No.__________

**Special Export Licence** covering teas purchased in sale or privately carrying Export Rights and not shipped on or before 31st March, 19 , shipment of which may be effected up to and including 30th June, 19 .

Date__________

This is to authorise

Messrs.__________

to export__________lbs. (__________

__________lbs.) of tea carrying Export Rights.

For and on behalf of the Indian Tea Licensing Committee.

*Controller.*

I/We certify that the teas exported out of India under this Licence were purchased by me/us with Export Rights.

*Exporter.*

## FORM E.

ADDRESS..................................................

..................................................

Date..................................................

MESSRS...................................................of the above address, are exporting from..........................to............ ..............*via*..........................a total nett quantity of................lbs. of tea, details of which are given below.

MESSRS...................................................guarantee that neither they themselves, nor any agent acting for them or on their behalf, will re-export either the whole or any part of this tea, whether in original packages, repacked in chests or bags or re-marked or blended or packed, nor in any other form whatsoever either from..........................nor from any other port.

### PARTICULARS OF TEAS DESPATCHED.

Serial No...........

| Broker. | Sale No. | Lot No. | No. of packages of each grade. | Estate or Mark, or Blended tea. | Grade of tea. | Net weight in lbs. per package. | REMARKS. |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| | | | | | Total .. | | |

Shipped by S. S............................................or train..........................

From Port, or Railway Station..............................*via*..........................

To Port, or Railway Station..............................

Date.......................................

Signature of Guarantor Firm or Individual despatching the consignment.... ..........................

.............................................................. .......... ............

Countersigned.

*Controller,*

*Indian Tea Licensing Committee.*

**No. 106-T.-(4)/33 (E).**—In pursuance of clause (*a*) of sub-section (1) of section 21 of the Indian Tea Control Act, 1933 (XXIV of 1933), the Governor-General in Council is pleased to direct that the rate of license fee levied by the Indian Tea Licensing Committee for an export license issued by it shall be four annas per thousand pounds of tea covered by such license.

T. A. STEWART,

Offg. Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATIONS.

New Delhi, the 13th November 1933.

**No. F.-24-4/33-A.**—In pursuance of clause (xi) of section 4 of the Indian Cotton Cess Act, 1923 (XIV of 1923), the Governor-General in Council is pleased to appoint Khan Bahadur Nawab Fazl-i-Ali Khan, Chairman, District Board and President Central Co-operative Bank, Ltd., Gujrat (Punjab), to be a member of the Indian Central Cotton Committee constituted under the said Act.

RAM CHANDRA,

Joint Secretary to the Government of India.

The 15th November 1933.

**No. F.-323/33-F.**—Mr. A. D. Blascheck, F.C.H., Oec. D., I.F.S., Inspector-General of Forests and President, Forest Research Institute and College, Dehra Dun, is granted, under Fundamental Rules 81 and 86(*a*), leave on average pay for 7 months and 14 days, combined with leave on half average pay for 14 days, with effect from the afternoon of the 9th November 1933, preparatory to retirement.

**No. F.-323/33 F.**—Mr. C. G. Trevor, C.I.E., I.F.S., Chief Conservator of Forests, Punjab, is appointed to officiate as Inspector-General of Forests and President, Forest Research Institute and College, Dehra Dun, with effect from the afternoon of the 9th November 1933.

The 14th November 1933.

**No F.-127/33 L. & O.**—In pursuance of sub-section (3) of section 26 of the Indian Tea Control Act, 1933 (XXIV of 1933), the Governor-General in Council is pleased to publish the areas specified in the second column of the annexed table being the areas which he has determined in pursuance of sub-section (2) of the said section, as the total areas in respect of which permission to plant tea in land which was not planted with tea on the 31st March, 1933, may be granted in the provinces specified in the corresponding entries in the first column thereof.

TABLE.

| *Province.* | *Area in acres.* |
|---|---|
| Madras | 366 |
| Bengal | 990 |
| United Provinces of Agra and Oudh | 31 |
| Punjab | 48 |
| Bihar and Orissa | 18 |
| Assam | 2,140 |
| Coorg | 2 |

G. S. BAJPAI,

Secretary to the Government of India.

The 15th November 1933.

**No. F.-327/33-L. & O.**—With reference to rule 3, clause (*c*) of the Rules published with the Notification of the Government of India in the late Department of Revenue and Agriculture, No. 1616-F., dated the 25th July 1900, the Honourable, the Agent to the Governor-General in Rajputana has appointed the Honourable Mr. B. J. Glancy, C.S.I.,

C.I.E., Political Secretary to the Government of India, to be a member of the Board of Management of the Indian People's Famine Trust, *vice* Sir Charles Watson, K.C.I.E., C.S.I.

RAM CHANDRA,

Joint Secretary to the Government of India.

## ARMY DEPARTMENT.

### PART B.

CANTONMENTS—ACCOUNTS.

New Delhi, the 18th November 1933.

**No. 677.**—The following draft of certain further amendments to the Cantonment Account Code, 1924, which it is proposed to make in exercise of the powers conferred by section 280 of the Cantonments Act, 1924 (II of 1924), is published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 23rd December 1933.

Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Governor-General in Council.

*Draft Amendments.*

**1.** In rule 26 of the said Code for the words letters and figure " The money shall be accompanied by a duplicate *chalan* in Form No Cant. 5-B., and the remittance shall be entered in the general cash book under the initials of the Executive Officer or such other officer as the Cantonment Authority may direct. The duplicate foil of the *chalan*, when received back signed from the treasury, shall be used as a voucher for the remittance and may either be filed separately or, if convenient, pasted in the page of the cash book," the following shall be substituted, namely :—

" The money shall be accompanied by (1) a Pass Book and (2) a *chalan* in Form No. 5-B, in both of which details of the amount remitted should be noted. The entries in the pass book shall be duly signed by the Treasury Officer and the pass book returned to the Cantonment office where it should be carefully preserved as a substitute for vouchers in support of the remittance. The *chalan* shall be retained by the Treasury Officer. The amount shall then be entered in the general cash book under the initials of the Executive Officer or such other officer as the Cantonment Authority may direct."

**2.** In Form No. 5-B., appended to the said Code for the brackets and words " (to be returned to the person making payment) " the following shall be substituted, namely :—

"To be $\frac{\text{returned to the person making payment (Rule 25)}}{\text{retained in the Treasury (Rule 26)}}$".

JUDICIAL.

**No. 678.**—In exercise of the powers conferred by section 113 of the Indian Army Act, 1911 (VIII of 1911), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Indian Army Act Rules, namely :—

In rule 161 of the said Rules—

1. In sub-rule (A)—

(*a*) in item (*vii*), the word " Pioneers " shall be omitted ;

(*b*) in item (*xii*) for the words and brackets " Each Corps or each ungrouped battalion (as the case may be) of Indian pioneers, each regiment " the words " Each regiment " shall be substituted.

2. In sub-rule (C), in item (*ix*) the words " or of pioneers " shall be omitted.

G. R. F. TOTTENHAM,

Secretary to the Government of India.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATIONS.

New Delhi, the 15th November 1933.

**No. A.-197.**—The following draft of certain amendments to the Indian Patents and Designs Rules, 1933, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 57 and sub-section (1) of section 77 of the Indian Patents and Designs Act, 1911 (II of 1911), is published as required by sub-section (2) of the last named section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 18th day of February 1934.

Any objection or suggestion which may be received from any person with respect to the draft before the date specified, will be considered by the Governor-General in Council.

*Draft amendments.*

1. For rule 28 of the said Rules the following rule shall be substituted, namely :—

Conditions on restoration.

"28. (1) In every order of the Controller restoring a patent, provisions shall be inserted for restraining the patentee from commencing or prosecuting any action or other proceeding, and from recovering any damage :—

(*a*) In respect of any infringement of the patent which shall have taken place between the date of the lapsing of the patent and the date of the order of restoration.

(*b*) In respect of :—

(*i*) the use at any time thereafter of any machinery manufactured within British India,

(*ii*) the use, purchase or sale at any time thereafter of any article manufactured in British India,

(*iii*) the use of any process or operation in infringement of the patent between the date of the lapsing of the patent and the date of the order of restoration :

Provided that such use, purchase or sale is by the person or corporation, by or for whom such machinery or article was *bona fide* manufactured, or such process or operation was *bona fide* used, or by the executors, administrators, successors, vendors or assigns of the said person or corporation.

(*c*) In respect of :—

(*i*) the use or sale at any time thereafter, by any person or corporation entitled for the time being under the preceding paragraph to use any machinery, process or operation, of any improved or additional machinery, process or operation, or

(*ii*) the use or sale of any article manufactured by any of the means aforesaid,

in infringement of the patent :

Provided that the use of any such improved or additional machinery, process, or operation shall be limited to the buildings, works or premises existing at the time being or afterwards erected, of the person or corporation by or for whom such machinery, process or operation was made or carried on within the meaning of the preceding paragraph, his or their executors, administrators, successors or assigns.

(2) The order shall further provide that if any person within one year after the date thereof makes an application to the Controller for compensation in respect of money, time, or labour expended by the applicant upon the subject matter of the patent, in the *bona fide* belief that such patent had become and continued to be void, it shall be lawful for the Controller, after hearing the parties concerned to assess the amount of such compensation, if in his opinion the application ought to be granted and to specify the party by whom and the day on which such compensation shall be paid ; and if default shall be made in payment of the sum awarded, then the said patent shall become void, but the sum awarded shall not in that case be recoverable as a debt or damages."

2. In the proviso to rule 45 of the said Rules, for the words " printed cotton piece-goods except handkerchiefs, " the following shall be substituted, namely :—

"textile goods in which the design is printed or woven, other than handkerchiefs, shawls, saris or other textile goods intended to be sold by number."

3. In column 2 of the First Schedule to the said Rules, against entry No. 51 for the figures "64" the figures "61" shall be substituted.

4. In the second schedule to the said Rules—

(1) In the second column of the *List of Forms* against the entry relating to Form No. 7—

(*i*) the figures and letter "51A" shall be omitted ;

(*ii*) for the figures "64" the figures "61" shall be substituted.

2. In Form 7—

(*a*) In the heading—

(*i*) the word, figures and letter "or 51A" shall be omitted ;

(*ii*) for the the figures "64" the figures "61" shall be substituted.

(*b*) The *Note* shall be omitted.

5. In the Fourth Schedule to the said Rules for classes 13, 14 and 15, the following shall be substituted, namely :—

" *Class 13.*—Printed or woven designs on textile piece-goods intended to be sold by measurement (other than checks or stripes).

*Class 14.*—Printed or woven designs on handkerchiefs, shawls, saris, or other textile goods intended to be sold by number (other than checks or stripes).

*Class 15.*—Printed or woven designs on textile goods being checks or stripes."

The 16th November 1933.

**No. M.-1099.**—In exercise of the powers conferrred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Indian Explosives Rules, 1914, the same having been previously published as required by section 18 of the said Act, namely :—

After the word " Moulmein " in proviso (*i*) to rule 12 of the said Rules the words " and Chinese crackers into the port of Cuddalore " shall be added.

A. G. CLOW,

Joint Secretary to the Government of India.

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POSTS AND TELEGRAPHS BRANCH.

The 14th November 1933.

**No. T.-204/33.**—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Indian Telegraph Rules, 1932, namely :—

In rule 86 of the said Rules—

(*a*) For paragraph 1 of Sub-rule (1) the following paragraph shall be substituted, namely :—

"(1) A minimum deposit of a sum of money equivalent approximately to the cost of fourteen days telegrams including fees for the up-keep of accounts (sub-rule (3) of this rule) shall be made at the telegraph office from which telegrams are required to be sent. At the end of each week, the telegraph office concerned shall submit to the depositor a detailed account showing the cost of his telegrams and the fees for the up-keep of accounts, in order that he may renew his deposit, if necessary, by paying into the telegraph office the amount shown in the account."

(*b*) For sub-rule (3), the following sub-rule shall be substituted, namely :—

" (3) A fee for the up-keep of accounts shall be levied at the rate of twelve annas for every 25 telegrams despatched by the depositor plus twelve annas for the remainder, if any, of such telegrams."

CIVIL AVIATION.

The 18th November 1933.

**No. T.-51.**—The following draft of certain further amendments to the Indian Aircraft Rules, 1920, which it is proposed to make in exercise of the powers conferred by section 8 of the Indian Aircraft Act, 1911 (XVII of 1911), is published as required by sub-section (1) of section 18 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 2nd January 1934.

Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Governor-General in Council :—

*Draft Amendments.*

I. In clause (*c*) of sub-rule (*1*) of rule 16 of the said Rules the words "whether by air or otherwise" shall be omitted.

II. In sub rule (*1*) of rule 19 of the said Rules :—

(*i*) In clause (*a*) after the brackets, letter and word "(B licence)" the following shall be inserted, namely :—

"issued in accordance with sub-rules (1) and (3) respectively of rule 21."

(*ii*) In clause (*b*) after the brackets, letter and word "(B licence)" the following shall be inserted, namely :—

"issued in accordance with sub-rule (3) of rule 21."

(*iii*) In the second proviso for the words, letter and figure "of an A-1 licence" the following shall be substituted, namely :—

"of a B licence or an A-1 licence."

III. For rule 20 of the said Rules the following rule shall be substituted, namely :—

"20. The licences referred to in rule 5 shall be granted, renewed or varied by the Governor-General in Council.'

IV. For rule 23 of the said Rules the following rule shall be substituted, namely :—

"23. Licences may be renewed for further like periods on proof of recent flying experience and after the passing of the medical examination as laid down in Schedule II ;

Provided that at any time in case of sickness or accident the holder of any licence may be required to undergo a fresh medical examination and produce a certificate of medical fitness as a condition of the licence being renewed or remaining valid :

Provided also that the holder of any licence may be required before the renewal of the licence to satisfy all or any of the requirements which are applicable on the first grant of a licence of the same class."

V. In rule 24 of the said Rules—

(*i*) In sub-rule (*2*) for the word and figures "Rule 20" the word, figures and letter "Rule 14-B." shall be substituted.

(*ii*) After sub-rule (*2*) the following sub-rule shall be inserted, namely :—

"(*3*) *Renewal and variation of licences outside British India.*—If a licence granted under these rules is varied or renewed in conformity with the provisions of these rules, or if a licence is validated for the purpose of flying aircraft registered in British India in conformity with the provisions of sub-rule (2) of rule 24, by an authority outside British India specified by the Governor-General in Council in this behalf, such variation, renewal or validation shall have effect in British India as though the licence had been varied, renewed or validated by a person authorised in this behalf under sub-rule (2) of rule 2."

VI. In rule 35 of the said Rules, in sub-rule (5) the words "and in the case of aircraft engine and journey log books as long as the aircraft or engine remains in existence," shall be omitted.

VII. In rule 56 of the said Rules :—

(*i*) In sub-rule (*i*) for the words "make the report," the words "deliver the documents" shall be substituted;

(*ii*) clause (*a*) of sub-rule (*2*) shall be omitted and clauses (*b*) and (*c*) shall be re-lettered (*a*) and (*b*), respectively ;

(*iii*) in clauses (*a*) and (*b*) respectively as so re-lettered the words "with such report" and "after making such report" shall be omitted.

VIII. For rule 57 of the said Rules the following rule shall be substituted, namely :—

"57. The person in charge of an aircraft proceeding to any place outside British India shall deliver to the Customs Collector at the customs aerodrome of departure his journey log book, and, if the aircraft carries any goods, a manifest and declaration in duplicate in such form as may be approved by the Chief Customs Officer declaring the goods and stores on such aircraft, and shall truly state therein the particulars required by such form. The journey log book and, if the aircraft carries any goods, one copy of the manifest and declaration will be signed by the Customs Collector and returned to the person in charge of the aircraft and such documents when so signed and returned shall constitute the necessary authority for the aircraft to proceed to its destination."

IX. In rule 58 of the said Rules—

(*i*) In sub-rule (*2*) the following shall be omitted, namely :—

"the report required by clause (*a*) of sub-rule (2) of rule 56 has been made, and";

(*ii*) for clause (*a*) of sub-rule (*6*) the following clause shall be substituted, namely :—

"(*a*) No customs duty shall be levied on an aircraft not registered in British India which is brought into British India for the purpose of a flight to or across India, which it is not intended to register in British India and which it is intended to remove from India within six months from the date of entry, provided that the person in charge makes a written declaration to that effect to the Customs Collector on arrival."

X. In Schedule II to the said Rules :—

(*a*) In paragraph 4 of *Section A*—

(*i*) before sub-paragraph (*a*) the following sub-paragraph shall be inserted namely :—

(*a*) (*i*) "Every candidate who presents himself to undergo the medical examination required for the issue or renewal of a licence must furnish to the medical examiner a declaration signed by him or her, stating, whether he or she has previously undergone such a medical examination, and with what result."

(*ii*) sub-paragraph *a*) shall be re-numbered *a*) (*ii*) and in the sub-paragraph as so re-numbered after the words "An applicant for the grant," the words "or renewal" shall be inserted;

(*b*) In Section C—

(*i*) in clause (*iii*) of sub-paragraph (*a* of paragraph 2 for the words "one hour" the words "a total period of one hour" shall be substituted;

(*ii*) in clause (*v*) of sub-paragraph (*a*) of paragraph 2 after the figures and words "1,500 feet" the following shall be inserted, namely :—

"This test must be carried out on a dark night the markings of the aerodrome and its surroundings being in normal operation during the flight";

(*iii*) in paragraph 3, after sub-paragraph (*g*) the following sub-paragraph shall be inserted, namely :—

"(*h*) The examination in flying machines and engines will have reference to the particular types of flying machines or engines which are to be endorsed on the licence. The applicant may be required to undergo a further examination with reference to other types of flying machines and engines before the licence is endorsed for such other types."

(*iv*) In paragraph 4 before sub-paragraph (*a*) the following sub-paragraph shall be inserted, namely :—

"(*a*) (*i*) Every candidate who presents himself to undergo the medical examination required for the issue or renewal of a licence must furnish to the medical examiner a declaration signed by him stating whether he has previously undergone such a medical examination, and with what result."

(*v*) sub-paragraph (*a*) shall be re-numbered "(*a* (*ii*)."

XI. In Schedule VI to the said Rules Form P shall be omitted.

D. G. MITCHELL,

Secretary to the Government of India.

1372 CS—798—1-12-33—SGPP Lahore.

Registered No. L. 864.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

### Published by Authority

LAHORE, FRIDAY, DECEMBER 8, 1933.

## PART II.

## Republications from the " Gazette of India."

FROM THE " GAZETTE OF INDIA," NEW DELHI, SATURDAY, NOVEMBER 11, 1933.

### DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

New Delhi, the 9th November 1933.

**No. M.-296.**—In exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Governor-General in Council is pleased to direct that the following further amendment, having been previously published as required by section 18 of the said Act, shall be made in the Indian Explosives Rules, 1914, namely :—

In rule 35 of the said Rules after clause (*f*) the following clause shall be inserted, namely :—

" (*g*) of any explosive, which is not for sale and is required solely for the navigation of aircraft, when kept in an aircraft for use in that aircraft, or for distribution to other aircraft or to aerodromes, or at an aerodrome for use at such aerodrome or for distribution to aircraft or to other aerodromes :

Provided that the maximum quantity so possessed shall not exceed fifty pounds when carried in an aircraft and one hundred pounds when kept at an aerodrome."

A. G. CLOW,

Joint Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, DECEMBER 2, 1933.

## FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

New Delhi, the 28th November 1933.

**No. 609-I.**—In exercise of the power conferred by section 96-A of the Government of India Act, the Governor-General in Council, with the approval of the Secretary of State in Council, is pleased to declare that Mr. Badri Nath Mengi, a subject of the Kashmir State, is eligible for appointment to any Civil Office under the Crown to which a native of British India may be appointed.

B. J. GLANCY,

Offg. Political Secy. to the Govt. of India.

## RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

NOTIFICATIONS.

New Delhi, the 29th November 1933.

**No. 1078-T. V.**—In exercise of the powers conferred by section 47 of the Indian Railways Act, 1890 (IX of 1890), and by the Notification of the Government of India in the Department of Commerce and Industries, No. 801, dated the 24th March, 1905, the Railway Board direct that the following further amendments shall be made in the General Rules for all open lines of Railways in British India published with the Notification of the Government of India in the Railway Department (Railway Board), No. 1078-T., dated the 9th March, 1929, namely :—

(3) In column 3, against serial No. 56, for regulation (c) the following regulation shall be substituted, namely :—

" (c) Cylinders must not be charged to a greater extent than the following :—

Liquefied gases—

| | | |
|---|---|---|
| Anhydrous Ammonia | 0·51 | per lb. of water capacity." |
| Carbon Dioxide | 0·67 | |
| Chlorine | 1·19 | |
| Methyl Chloride | 0·79 | |
| Nitrous Oxide | 0·67 | |
| Sulphur Dioxide | 1·19 | |
| Sulphuretted Hydrogen | 0·60 | |

**No. 1078-T.-V.**—In exercise of the powers conferred by section 47 of the Indian Railways Act, 1890 (IX of 1890), and by the Notification of the Government of India in the Department of Commerce and Industries, No. 801, dated the 24th March, 1905, the Railway Board direct that the following further amendments shall be made in the General Rules for all open lines of Railways in British India published with the Notification of the Government of India in the Railway Department (Railway Board), No. 1078-T., dated the 9th March, 1929, namely :—

In the Schedule appended to Part III of the said rules—

(1) For the entries in columns 5 and 6 against serial No. 22-A, the following entries shall be substituted, namely :—

| " 5 | 6 |
|---|---|
| No restrictions as to quantity. | By mixed train, no restriction as to quantity but only carried when no goods trains are running. |
| | By brake-van of mixed or passenger train to the extent possible. May be carried with other dangerous goods which are allowed to be carried |

by the brake-van of a mixed or passenger train provided no special regulations to the contrary are specified against such other dangerous goods in this pamphlet. Packages containing dangerous goods enumerated in the Schedule must be placed together and as far as possible from other goods, dangerous, or otherwise, in the brake-van.

The substance should not be loaded with food-stuffs, food-stuff empties, explosives, inflammable liquids or other goods likely to be damaged in the event of leakage. If it is necessary to load it in the same wagon with such articles it must be kept quite apart therefrom."

(2) For the entries in columns 5 and 6 against serial No. 26-A, the following entries shall be substituted, namely :—

No restriction as to quantity. By mixed train, no restriction as to quantity, but only carried when no goods trains are running.

By brake-van of mixed or passenger train to the extent possible. May be carried with other dangerous goods which are allowed to be carried by the brake-van of a mixed or passenger train, provided no special regulations to the contrary are specified against such other dangerous goods in this pamphlet. Packages containing dangerous goods enumerated in Schedule II-II must be placed together and as far as possible from other goods, dangerous or otherwise in the brake-van.

The substance should not be loaded with food-stuffs, food-stuff empties, explosives, inflammable liquids or other goods likely to be damaged in the event of leakage. If it is necessary to load it in the same truck with such articles, it must be kept quite apart therefrom."

(3) In column 3, against serial No. 56, *for* regulation (*c*) the following regulation shall be substituted, namely :—

"(*c*) Cylinders must not be charged to a greater extent than the following :—

Liquefied gases—

| | | |
|---|---|---|
| Anhydrous Ammonia | 0·51 | per lb. of water capacity." |
| Carbon Dioxide | 0·67 | |
| Chlorine | 1·19 | |
| Methyl Chloride | 0·79 | |
| Nitrous Oxide | 0·67 | |
| Sulphur Dioxide | 1·19 | |
| Sulphuretted Hydrogen | 0·60 | |

L. H. KIRKNESS,

Secretary, Railway Board.

## DEPARTMENT OF INDUSTRIES AND LABOUR.

### NOTIFICATION.

POSTS AND TELEGRAPHS BRANCH.

New Delhi, the 30th November 1933.

**No. F. M.-557/33.**—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that, with effect from the 15th December, 1933, the following further amendments shall be made in the Indian Post Office Rules, 1933, namely :—

In the *Schedule of Air Mail Fees* appended to rule 6 of the said Rules—

(*a*) For items (*xiii*) to (*xvi*) the following items shall be substituted, namely :—

| | |
|---|---|
| "(*xiii*) India—Siam | 3 |
| (*xiv*) India—Kedah | 4 |
| (*xv*) India—Straits Settlements | 4 |
| (*xvi*) India—French Indo-China | 4 |
| (*xvii*) India—Netherlands East Indies | 6" |

(*b*) Items (*xvii*) and (*xviii*) shall be renumbered as (*xviii*) and (*xix*), respectively.

D. G. MITCHELL,

Secretary to the Government of India.

FROM THE "SUPPLEMENT TO THE GAZETTE OF INDIA," NEW DELHI, SATURDAY, DECEMBER 2, 1933.

GOVERNMENT OF INDIA.

## ARMY DEPARTMENT.

NOTICE.

1. Early in 1934 a selection will be made of 14 candidates for appointment as apprentices for training in Ordnance Factories in India as follows :—

| | | |
|---|---|---|
| (*a*) | For the Metal and Steel Factory, Ishapore ... | 2 |
| (*b*) | For the Rifle Factory, Ishapore ... ... | 6 |
| (*c*) | For the Gun and Shell Factory, Cossipore ... | 3 |
| (*d*) | For the Harness and Saddlery Factory, Cawnpore ... | 1 |
| (*e*) | For the Clothing Factory, Shahjahanpur ... ... | 2 |

The qualifications of candidates and the method of selection will be as prescribed in Part II of the rules as published in Army Department Notification No. 661, dated the 11th November 1933.

2. The Government of India reserve the power to appoint the selected candidates to any of the Factories for which the recruitment is being made.

3. Every candidate must apply on the prescribed form of application so as to reach the authority mentioned in rule 3 (*ii*) on or before the 6th January, 1934, accompanied by the necessary documents. No application received after that date will be considered.

Copies of the rules, application form, etc., can be obtained from the Local Governments, Political Officers or Agents and the Secretary, Public Service Commission.

4. No allegation that an application form, or letter respecting such form, has been lost or delayed in the post will be considered unless the person making such allegation produces a Post Office registration receipt or a certificate of posting. Candidates who delay their applications until a late date will do so at their own risk.

5. Candidates for appointment as apprentices for training in Ordnance Factories must have an elementary knowledge of Dynamics, Statics, Mathematics up to quadratic equations, Elementary Trigonometry and Physics.

6. The Government of India reserve the power to modify the arrangements and rates of pay indicated in the rules according to the requirements of the Service.

NEW DELHI:
The 30th November 1933.

G. R. F. TOTTENHAM,
Secretary to the Government of India.

## NOTICE.

IT is hereby notified for general information that three appointments of Indians and three of Burmans will be made to the Indian Civil Service in India and Burma, respectively, on the results of the examination for that service to be held in Delhi and Rangoon in January 1934.

DELHI:
The 30th November 1933.

D. REYNELL,
Secretary, Public Service Commission.

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## PART II.

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FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, NOVEMBER 25, 1933.

### LEGISLATIVE DEPARTMENT.

NOTIFICATION.

New Delhi, the 20th November 1933.

**No. 411/33-C. & G.**—In exercise of the powers conferred by sub-section (1) of section 67, read with section 129A of the Government of India Act, the Governor-General in Council, with the sanction of the Secretary of State in Council, is pleased to direct that the following further amendment shall be made in the Indian Legislative Rules, namely :—

In rule 51 of the said rules after sub-rule (5) the following sub-rule shall be inserted, namely :—

> "(6) When the duration of the Legislative Assembly is extended beyond the period of three years fixed by section 63D (1) of the Government of India Act a new Committee on Public Accounts shall be constituted at the end of the said period of three years as if a new Assembly had commenced and shall be subject to all the foregoing provisions of this rule relating to the constitution of the Committee, the filling of vacancies thereon and the appointment of a Chairman."

L. GRAHAM,

Secretary to the Government of India.

## HOME DEPARTMENT.

NOTIFICATIONS.

JUDICIAL.

New Delhi, the 17th November 1933.

**No. F.-254/33.**—In pursuance of proviso (*i*) to sub-section (2) of section 101 of the Government of India Act, the Governor-General in Council is pleased to appoint Mr. G. C. Hilton, I.C.S., to act as an Additional Judge of the High Court of Judicature at Lahore for a period of 18 months with effect from the 2nd January, 1934, or the subsequent date on which he takes his seat.

T. SLOAN,

Joint Secretary to the Government of India.

PUBLIC.

The 23rd November 1933.

**No. F.-49/20/33.**—It is hereby notified for general information that the Governor-General in Council has been pleased to determine that the undermentioned officers shall take rank in the articles noted against their names in the Warrant of Precedence for India :—

| Name of officer. | Article in the Warrant. |
|---|---|
| 1. Assistant Exec tive Engineers of 20 years' standing .. | 56 |
| 2. Assistant Executive Engineers of 12 years' standing .. | 60 |
| 3. Divisional Engineers, Telegraphs, of less than 12 years' standing | 61 |
| 4. Divisional Engineers, Wireless, of less than 12 years' standing | 61 |

. SLOAN,

Joint Secretary to the Government of India.

## FINANCE DEPARTMENT.

RESOLUTION.

New Delhi, the 23rd November 1933.

**No. F.-26 (26)-Ex-I.**—His Majesty's Secretary of State for India in Council has been pleased to make the following amendment in the " Rules relating to expenditure by the Government of India on subjects other than provincial " promulgated with the Finance Department Resolution No. F.-38-I (*a*)-Ex. I/32, dated the 18th February, 1932, namely :—

The following shall be substituted for the existing Rule 1 (1) of the said Rules ;—

" (1) To the creation of any new or the abolition of any exising permanent post, or to the increase or reduction of the pay drawn by the incumbent of any permanent post, paid from Military estimates, if the post is one which would ordinarily be held by an officer holding the King's Commission. "

ORDERED that the Resolution be published in the *Gazette of India*.

A. A. L. PARSONS,

Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATIONS.

CUSTOMS.

New Delhi, the 25th November 1933.

**No. 52.**—In exercise of the powers conferred by section 5 of the Motor Spirit (Duties) Act, 1917 (II of 1917), as made applicable to the levy and collection of an excise duty on kerosene by section 5 of the Indian Finance Act, 1922 (XII of 1922), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Kerosene (Duties) Order, 1922, namely :—

After clause 9 of the said Order, the following clause shall be inserted, namely :—

" 9-A. *Drawback on export to Kathiawar.*—When any kerosene, upon which the excise duty leviable under the Act has been paid, is proved (*a*) to have been hereafter despatched by steamer from a port in British India to a port in Kathiawar, and (*b*) to have been landed and assessed to duty at such port, so much of the duty paid in British India as is equivalent to the amount of duty proved to have been collected at the State port in Kathiawar shall be repaid as drawback, provided that the amount of such drawback shall not exceed the amount of excise duty paid in British India. "

**No. 53.**—In exercise of the powers conferred by section 5 of the Motor Spirit (Duties) Act, 1917 (II of 1917), the Governor-General in Council is pleased to direct that the following further amendment shall be made in the Motor Spirit (Duties) Order, 1917, namely :—

After clause 9 of the said Order, the following clause shall be inserted, namely :—

" 9-A. *Drawback on export to Kathiawar.*—When any motor spirit, upon which the excise duty leviable under the Act has been paid, is proved (*a*) to have been hereafter despatched by steamer from a port in British India to a port in Kathiawar, and (*b*) to have been landed and assessed to duty at such port, so much of the duty paid in British India as is equivalent to the amount of duty proved to have been collected at the State post in Kathiawar shall be repaid as drawback, provided that the amount of such drawback shall not exceed the amount of excise duty paid in British India. "

**No. 54.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to prohibit the bringing into British India by sea or by land from Kathiawar of any kerosene or motor spirit which is not proved to the satisfaction of the Customs Collector either (*a*) not to have been manufactured in British India, or (*b*) if manufactured in British India, to be such that no refund or drawback of excise duty has been, or will be, claimed upon it.

G. S. HARDY,

Joint Secretary to the Government of India.

INCOME-TAX.

The 25th November 1933

**No. 44.**—On return from leave Mr. W. R. Pearce resumed charge of his duties as Commissioner of Income-tax, Punjab, North-West Frontier and Delhi Provinces, with effect from the forenoon of the 14th November 1933.

A. H. LLOYD,

Joint Secretary to the Government of India.

## PUBLIC SERVICE COMMISSION (INDIA).

Applications are invited for a post of Sugar Cane Specialist for research in the Punjab. (1) Candidates should be British subjects. Government servants may apply. (2) The following qualifications are essential, (*i*) A Bachelor's degree (or its equivalent) in

agriculture, (*ii*) Post graduate specialised study of sugarcane breeding and cultivation. The following are also desirable, (*a*) Research at the sugarcane breeding station, and (*b*) knowledge of advanced Plant Physiology with special reference to sugarcane. (3) Pay on the scale of Rs. 250—25—500, subject to the 5 per cent. cut. Initial pay up to Rs. 400 according to qualifications. (4) No free quarters and no Provident Fund. (5) The post is tenable for 5 years. (6) Last date for receipt of applications is December 19, 1933. Application forms and further particulars can be obtained from the Secretary, Public Service Commission, Metcalfe House, Delhi.

DELHI :
The 14th November 1933.

D. REYNELL,
Secretary, Public Service Commission.

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FROM THE "GAZETTE OF INDIA" NEW DELHI, SATURDAY, DECEMBER 9, 1933.

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## FINANCE DEPARTMENT.

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### RESOLUTION.

New Delhi, the 7th December 1933.

**No. F.-7-(59)-R.-I/33**—The Government of India have had occasion to examine the rule in clause (2) (*b*) of section V of the Administrative Instructions issued with this Department Resolution No. 205-C. S. R., dated the 8th February, 1924, which regulates the grant of casual leave on account of absence from duty, due to the presence of infectious diseases in the family or household of a Government servant. The rule has been found to be defective in certain respects. In the first place it gives no clear indication of the extent to which leave may be sanctioned in the circumstances mentioned; nor does it provide for such leave being prefixed to ordinary leave, when the grant of the latter in continuation is necessary. In the second place, the rule does not state clearly whether, when absence from duty exceeds the period which may reasonably be treated as casual leave, it is the excess over the period considered reasonable or the entire period of absence that should be sanctioned as ordinary leave.

2. It is considered that, though the leave granted on account of the presence of infectious diseases in the family of a Government servant is not debited in his leave account, it should be distinguished from casual leave for the reason that the latter is granted at the request of the Government servant, while the former is not. The Governor-General in Council has accordingly decided to designate such leave in future as 'Quarantine Leave.' He has also decided to limit the grant of this leave ordinarily to 21 days, this limit being increased in exceptional circumstances to 30 days. He has further decided that if absence *for reasons of quarantine* exceed the maximum of 21 days, or in exceptional cases 30 days, the excess only should be sanctioned as ordinary leave and that once quarantine leave has been sanctioned as such, its character should not be changed, as a result of the grant of such ordinary leave in continuation.

3. The amendments to the rule necessary to give effect to these decisions are published in the annexure to this resolution.

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ORDERED that the Resolution be published in the *Gazette of India*.

A. A. L. PARSONS,
Secretary to the Government of India.

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### ANNEXURE.

AMENDMENTS TO THE ADMINISTRATIVE INSTRUCTIONS IN CONNECTION WITH THE FUNDAMENTAL RULES.

*Section V.*

Before the words "Fundamental Rule 85" under head (2) Casual Leave in this Section, the letter "(*a*)" shall be omitted.

For clause (*b*) under head (2) Casual Leave, the following shall be substituted :—

" (3) *Quarantine Leave.*

Quaratine leave is leave of absence from duty necessitated by orders not to attend office in consequence of the presence of infectious diseases in the family or household of a Government servant. Such leave may be granted by the head of the office on the certificate of a Medical or Public Health Officer for a period not exceeding 21 days, or, in exceptional circumstances, 30 days. Any leave necessary for quarantine purposes in excess of this period shall be treated as ordinary leave. Quarantine leave may also be granted when necessary in continuation of other leave subject to the above maximum. Except in the cases mentioned in the notes below, no substitute should be appointed in place of a Government servant absent on quarantine leave. A Government servant on quarantine leave is not treated as absent from duty and his pay is not intermitted."

The following two notes shall be inserted below the rule " (2) Casual Leave" :—

" NOTE 1.—In the Postal Department substitutes may be employed in the place of postmen and postal menials (other than runners) who may be granted casual leave, under the rules laid down in the enclosure to Industries and Labour Department letter No. 20-P. T. E., dated the 28th August 1926.

NOTE 2.—In the Railway Mail Service substitutes may be employed in the place of mail guards, van peons, porters and other inferior servants who may be granted casual leave under the rules laid down in the enclosure to Industries and Labour Department letter No. E st. B. APC-66/28, dated the 11th January 1930."

Notes 1, 4 and 4-A under clause (*b*) under head (2) Casual Leave shall be cancelled and the existing notes shall be renumbered as Notes 1, 2, 3 and 4.

In the existing Notes 2, 4-B and 5, for the words " who is prohibited from attending his duties on account of some infectious disease in his family and ", the words " on quarantine leave " shall be substituted.

In the existing Note 3, for the words " on account of some infectious disease in his house " the words " who is on quarantine leave " shall be substituted.

For the figures " (3) " before the words " Recall from leave " in this Section figure " (4) " shall be substituted.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

### NOTIFICATION.

CUSTOMS.

New Delhi, the 9th December 1933.

**No. 55**.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession, with effect from the 1st January, 1934, of the Notification of the Government of India in the Finance Department (Central Revenues), No. 7-Customs, dated the 4th March, 1926, the Governor-General in Council is pleased to restrict, with effect from the said date, the bringing into British India of apparatus for wireless telegraphs as follows :—

(*a*) in the case of transmitting apparatus and of receiving apparatus incorporated in a single unit with transmitting apparatus, to persons who have been licensed to import such apparatus by the Director-General of Posts and Telegraphs in Form I, annexed hereto ;

(*b*) in other cases, to persons who apply to the customs officer to import the same in Form II, annexed hereto :

Provided that in the case of wireless receiving apparatus imported by post the customs officer may dispense with the application referred to in clause (*b*).

G. S. HARDY,

Joint Secretary to the Government of India.

## FORM I.

Registered No. Dated 193 .

**LICENSE TO IMPORT TRANSMITTING APPARATUS FOR WIRELESS TELEGRAPHS INTO BRITISH INDIA.**

In pursuance of Notification No. 55-Customs, dated the 9th December, 1933, issued under section 19 of the Indian Sea Customs Act, 1878 (VIII of 1878), the Director-General of Posts and Telegraphs in India (hereinafter called the Director-General) hereby grants to

of

(hereinafter called the Licensee), during the term or period commencing on the day of the date hereof, and terminating on the 31st day of December 193 , when the license expires and becomes invalid unless renewed by endorsement thereon under the hand of the Director-General, license and permission to import at

the following transmitting apparatus for wireless telegraphs :—

for *Director-General of Posts and Telegraphs.*

The day of 193 .

Signed by the Licensee

in the presence of

The day of 193 .

(*Reverse*).

## NOTICE.

The Licensee must produce this license to the Customs Authorities whenever wireless transmitting apparatus is being imported in order that the necessary details may be inserted in the form below by the Customs Authorities on each occasion when such licensed apparatus is imported.

| Date. | Invoice No. | Real value for customs of Licensed Apparatus imported. Rs. | Name and address Consignee when other than the importer. | Customs Stamp. |
|---|---|---|---|---|
| | | | | |

*N. B.*—This license should be returned to the Director-General of Posts and Telegraphs (Wireless Branch), New Delhi, for renewal at least one month before the date on which it is due to expire, together with the renewal fee of Rs. 10 by Money Order and an application stating the registered number and date of the license.

## FORM II.

APPLICATION TO IMPORT WIRELESS RECEIVING APPARATUS INTO BRITISH INDIA.

*NOT to be used for Transmitting Apparatus.*

1. Name and Address of Owner :

2. Name and Address of Importer when he is not also the Owner :

3. Description of apparatus to be imported ;

Value : Rs...........

Number of complete wireless receivers ; ......

I hereby certify that the above is correct to the best of my knowledge and belief.

...................

(Signature of Importer.)

Date..............

*Notice* :—Under the Indian Wireless Telegraphy Act, 1933, and the Indian Telegraph Act, 1885, a license is required for the possession or for the establishment, maintenance and working of wireless apparatus in British India.

To be signed by the customs officer and forwarded to the Director-General of Posts and Telegraphs (Wireless Branch), New Delhi.

Importation permitted.

Customs Stamp.

....................

(Customs Officer.)

INCOME-TAX.

The 9th December 1933.

**No. 47.**—In exercise of the powers conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), hereinafter referred to as the said Act, the Governor-General in Council is pleased to exempt from super-tax so much of the income of any Investment Trust Company as is derived from dividend paid by any other Company which has paid or will pay super-tax in respect of the profits out of which such dividends are paid.

2. For the purposes of this notification, an investment trust company means a company in respect of which the Governor-General in Council is satisfied that :

(*i*) it is a company having for its principal business the acquisition and holding of investments in the stocks, shares, bonds, debentures or debenture stocks of other companies or in securities issued by public authorities,

(*ii*) it is not a company formed for the purpose of, or engaged in acquiring or exercising control over any other company or group of companies or enabling any other persons to acquire or exercise such control,

(*iii*) it is a company deemed under clause (*b*) of the Explanation to sub-section (*2*) of section 23-A of the said Act, to be a company in which the public are substantially interested.

A. H. LLOYD,

Joint Secretary to the Government of India.

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## CENTRAL BOARD OF REVENUE.

NOTIFICATION.

INCOME-TAX.

New Delhi, the 9th December 1933.

**No. 46.**—The following draft of certain further amendments to the Indian Income-tax Rules, 1922, which the Central Board of Revenue proposes to make in exercise of its powers under sub-section (1) of section 59 of the Indian Income-tax Act, 1922 (XI of 1922), is published as required by the sub-section (4) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 15th January 1934.

Any objection or suggestion which may be received in respect of the draft before the date specified will be considered by the said Board.

*Draft Amendments.*

1. After rule 8 of the said Rules the following rule shall be inserted, namely :—

"8-A. Allowances under section 11 (*2*) (*ii*) of the Act in respect of depreciation of buildings, machinery, plant or furniture shall be in accordance with the rates prescribed in the statement attached to rule 8 ; and in respect of apparatus, appliances or other capital assets not covered by that statement, the allowance shall be at the rate of 5 per cent. per annum on the prime cost ."

2. After rule 9 of the said Rules the following rule shall be inserted namely :—

"9-A. For the purpose of obtaining an allowance for depreciation under section 11 (*2*) (*ii*) of the Act, the assessee shall furnish particulars to the Income-tax Officer in the form included in rule 9, entering in columns 1 and 4 references not only to buildings, machinery, plant or furniture but also to apparatus, appliances and other capital assets."

RAM NATH,

Secretary, Central Board of Revenue.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATION.

New Delhi, the 7th December 1933.

**No. F.-392/33/A.**—In continuation of this Department notification No. F.-392/33, dated the 12th September, 1933, it is notified for general information that the Ministry of Agriculture and Fisheries, England has by arrangement with the Forestry Commissioners, issued the order reproduced below called the "Importation of Elm Trees and Conifers (Prohibition) Order of 1933" to prohibit the landing in England and Wales of the eight genera of the Order Pinaceae specified in the schedule. The order which will come into force on the 1st December, 1933, requires that the health certificates prescribed under the Importation of lants Order of 1933 to accompany consignments of living plants imported into the country must include a statement to the effect that the consignment does not contain any plants of the genera now prohibited. An order in similar terms applicable to Scotland is being made by the Department of Agriculture for Scotland.

STATUTORY RULES AND ORDERS, 1933, No. 1011.

## DESTRUCTIVE INSECT AND PEST, ENGLAND.

THE IMPORTATION OF ELM TREES AND CONIFERS (PROHIBITION) ORDER OF 1933. DATED OCTOBER 24, 1933.

*(D. I. P. 570).*

The Minister of Agriculture and Fisheries by virtue and in exercise of the powers vested in him under the Destructive Insects and Pests Acts, 1877 to 1927, *(a)* and of every other power enabling him in this behalf, and by arrangement with the Forestry Commissioners under section 3 (2) of the Forestry Act, 1919, *(b)* orders as follows :—

*Commencement.*

1. This order shall come into operation on the first day of December, nineteen hundred and thirty-three.

*Prohibition of Importation of Elm Trees and certain Conifers.*

2. (1) For the prevention of the introduction of diseases and pests injurious to elm trees and forest trees, the landing in England or Wales from any country other than Scotland, Northern Ireland, the Irish Free State, the Isle of Man or the Channel Islands of any living plant of any of the genera mentioned in the Schedule to this Order is hereby prohibited.

(2) In this Article "plant" includes tree and shrub and the roots, layers, cuttings and other parts of a plant.

*Restriction on Importation of Plants.*

3. The certificates prescribed in Article 4 of the Importation of Plants Order of 1933 *(c)* shall, except in the case of a consignment consisting wholly of potatoes, include a statement to the effect that the consignment does not contain any plant of any of the genera mentioned in the Schedule hereto.

*Procedure where Plants are landed in contravention of this Order.*

4. If plants mentioned in the Schedule hereto are landed in England or Wales in contravention of this Order, they shall forthwith be destroyed or re-exported at the expense of the importer unless they are otherwise disposed of in accordance with the terms of a licence issued by the Minister or by an Inpector, and any person failing to comply with the terms of a licence granted under this Article shall be liable to a penalty not exceeding ten pounds, or, in respect of a second or subsequent offence, to a penalty not exceeding fifty pounds.

*(a)* 40-1 V. c. 68, 7 E. 7. c. 4 and 17-8 G. 5. c. 32.

*(b)* 9-10 G. 5. c. 58.

*(c)* S. R. & O. 1933, No. 558.

PGG

*Definitions.*

5. In this Order :—

"Minister" means the Minister of Agriculture and Fisheries ;

"Inspector" means an Inspector or other authorised officer of the Ministry of Agriculture and Fisheries ;

"Importer" includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of, or in any wise entitled to the custody or control of the article.

*Revocation of Order.*

6. The Importation of Elm Trees (Prohibition) Order of 1926 (*a*) is hereby revoked, provided that such revocation shall not—

(*i*) affect the previous operation of such Order, or anything duly done or suffered under such Order ; or

(*ii*) affect any penalty incurred in respect of any offence committed against such Order, or any legal proceedings in respect of any penalty.

*Short Title.*

7. This Order may be cited as the Importation of Elm Trees and Conifers (Prohibition) Order of 1933.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this twenty-fourth day of October, nineteen hundred and thirty-three.

(L. S.)

H. E. DALE,

Principal Assistant Secretary.

SCHEDULE.

All species of the genus Ulmus.

The following genera of the Order Pinaceae, *viz.*, Abies, Larix, Picea, Pinus, Pseudotsuga, Sequoia, Thuja and Tsuga.

(*a*) S. R. and O. 1926 (No. 1636), p. 373.

The 1st December 1933.

**No. F.-4-9/33-H.**—Lieutenant-Colonel N. S. Sodhi, M. C., I.M.S., Civil Surgeon, Lahore, is appointed to officiate as Inspector-General of Civil Hospitals, Punjab, in addition to his own duties with effect from the 24th November, 1933, until further orders.

RAM CHANDRA,

Joint Secy. to the Govt. of India.

FROM THE "GAZETTE OF INDIA," NEW DELHI, SATURDAY, DECEMBER 9, 1933.

## PUBLIC SERVICE COMMISSION (INDIA).

Applications are invited for the post of Chemist in a Sugar Research and Testing Station in the United Provinces. Pay Rs. 350—25—500. *Qualifications* (*a*) M.Sc. or B.Sc. (Honours) with Chemistry or a degree in Agriculture with Chemistry. (*b*) Training in Sugar Chemistry either in the Harcourt Butler Technological Institute, Cawnpore, or in any institution outside India to which State Technical Scholars are sent for training in Sugar Chemistry. (*c*) At least two years' experience in a Sugar Factory as manufacturer and chemist. A knowledge of the plant and processes employed in indigenous sugar and gur industries is also desirable. The post is tenable for about 5 years. Appointment on probation for first year. Initial salary according to qualifications within the limits stated above. Pay subject to the emergency cut as long as it lasts. Candidates between the ages of 30 and 45 preferred. Last date for receipt of applications January 2, 1934. Government servants may apply. Candidates who applied for this

post when advertised in August, 1933, need not renew their applications. Application forms and further particulars may be obtained from the Secretary, Public Service Commission, " Metcalfe House, " Delhi.

Delhi, the 30th November, 1933.

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Applications are invited for appointment in a leave vacancy in the post of Assistant Foreman (Electrical) at the Power House and Electrical Repair Shop, Gun and Shell Factory, Cossipore. (1) Candidates (*a*) should be British subjects between the ages of 25 and 35 years approximately ; (*b*) must be fully apprenticed as an electrical engineer ; (*c*) should be able to control labour ; (*d*) have a good general education and some knowledge of shop accounts ; and (*e*) must be experienced in repairs and maintenance of 3-phase A. C. and low tension D. C. motors, starters and mains. (*f* A knowledge of instrument and telephone repairs and high tension A. C. work is desirable. (2) Government servants may apply. (3) Pay Rs. 375, subject to the emergency cut *plus* Rs. 75 per mensem for an officer of non-Asiatic domicile. Rent free quarters provided or compensation in lieu thereof. Free medical attendance at quarters and free medicine. (4) The officer appointed will officiate till August 8, 1934, when the present holder of the post is due to retire. If then considered suitable he will be appointed on an agreement for five years. Conditions attaching to such appointment will be sent on application. (5) Candidates must be prepared to join the factory in January, 1934. (6) Application forms and further particulars may be obtained from the Secretary, Public Service Commission, "Metcalfe House," Delhi.

D. REYNELL,

Secretary, Public Service Commission.

1462 CS -798 -15-12-33 -SGPP Lahore.

H. M. DALL,

Principal Assistant Secretary.

SCHEDULE.

PUBLIC SERVICE COMMISSION (INDIA).

Registered No. L. 864

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, DECEMBER 22, 1933.

## PART II.

## Republications from the " Gazette of India."

FROM THE " GAZETTE OF INDIA, " NEW DELHI, SATURDAY, DECEMBER 16, 1933.

### HOME DEPARTMENT.

NOTIFICATION.

JAILS.

New Delhi, the 13th December 1933.

**No. F. 16/1/33.**—Mr. L. V. Deane, I. P., Assistant Superintendent of Police, Punjab, has been appointed Settlement Assistant Commissioner, Port Blair, with effect from the afternoon of the 30th November, 1933.

T. SLOAN,

Joint Secretary to the Government of India.

### FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATIONS.

New Delhi, the 11th December 1933.

**No. 647-E.**—Lieutenant-Colonel J. W. Thomson-Glover, C.B.E., of the Political Department, is posted as His Britannic Majesty's Consul-General at Kashgar, with effect from the forenoon of the 1st November 1933.

The 12th December 1933.

**No. 649-H.**—The following Royal Warrant, amending the Royal Warrant for the institution of the Kaisar-i-Hind Medal, which was published with the notification by the Government of India in the Home Department, No. 1257, dated the 11th May, 1900, is published for general information :—

GEORGE R. I.

GEORGE THE FIFTH, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India, to all to whom these Presents shall come ;

GREETING !

WHEREAS Her late Majesty Queen Victoria did by Warrant under Her Royal Sign Manual, bearing date the tenth day of April, One thousand nine hundred, in the sixty-third year of Her Reign, institute and create a decoration to be styled "The Kaisar-i-Hind Medal for Public Service in India," and did make certain Rules and Ordinances for the government of the same :

AND WHEREAS by the said Royal Warrant power was reserved to Us of annulling and altering the said Rules and Ordinances or any part thereof by a Notification under Our Royal Sign Manual :

AND WHEREAS His late Majesty King Edward the Seventh did by Warrant under His Royal Sign Manual bearing date the eighth day of July, One thousand nine hundred and one, make alterations and amendments in the Fourth and Sixth Rules of the said Rules and Ordinances :

AND WHEREAS the Seventh Rule was altered and amended by Warrant under Our Sign Manual bearing date the ninth day of July, One thousand nine hundred and twelve ;

AND WHEREAS We desire to make certain further alterations and amendments in the said Rules and Ordinances :

NOW KNOW YE that We do by these Presents for Us, our Heirs and Successors, make the following alterations and amendments in the said Rules and Ordinances, that is to say :—

1. For the Third Rule the following shall be substituted : "Thirdly—It is ordained that there shall be three classes of the Decoration to be styled respectively 'The Kaisar-i-Hind Medal of the First Class for Public Service in India,' 'The Kaisar-i-Hind Medal of the Second Class for Public Service in India' and 'The Kaisar-i-Hind Medal of the Third Class for Public Service in India.' "

2. In the Fifth Rule, after the words "of the Second" shall be added the words "and the Third" ; and in the Ninth Rule and the proviso thereto, after the words "of the Second" shall be added the words "or the Third."

3. In the Fifth Rule and in the Ninth Rule and the proviso thereto, for the words "Our Governor-General" shall be substituted the words "Our Viceroy and Governor-General."

4. In the Sixth Rule, after the words "First Class" shall be omitted the words "and," and after the words "Second Class" shall be added the words "and in bronze for the Third Class."

5. In the Seventh Rule, for the words "Medal of either Class" shall be substituted the words "Medal of one of these Classes" ; and for the words "Foreign Department" shall be substituted the words "Foreign and Political Department."

6. In the Eighth Rule, for the words "either of the Medals" shall be substituted the words "one of the Medals."

Given at Our Court at Saint James's the Second day of November, One thousand nine hundred and thirty-three, in the Twenty-fourth year of Our Reign.

BY HIS MAJESTY'S COMMAND,

SAMUEL HOARE.

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B. J. GLANCY,

Offg. Political Secretary to the Government of India.

## FINANCE DEPARTMENT (CENTRAL REVENUES).

NOTIFICATION.

INCOME-TAX.

New Delhi, the 16th December 1933.

**No. 48.**—In exercise of the powers conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), the Governor-General in Council is pleased to direct that when in any year an employee participating in a recognised provident fund has ceased to be an employee of the employer maintaining the fund and has been declared by such employer not to be eligible to receive the whole of the accumulated balance due to him, so much of his income as is assessable for that year shall be exempted from income-tax as is equivalent to so much of the accumulated balance due to him as has not been paid or is not payable to him and, if such amount exceeds the amount of his income in that year, so much of his income in the following year or years as is equal to the amount of such excess shall be exempted from income-tax in such year or years.

G. S. HARDY,

Joint Secretary to the Government of India.

## DEPARTMENT OF COMMERCE.

NOTIFICATION.

TARIFFS.

TARIFF VALUATIONS.

New Delhi, the 16th December 1933.

**No. 73-T. (9)/33.**—In exercise of the powers conferred by section 3 of the Indian Tariff Act, 1894 (VIII of 1894), and in supersession of the notification of the Government of India in the Department of Commerce, No. 73-T. (106), dated the 31st December 1932, the Governor-General in Council is pleased to fix, with effect from the 1st January 1934, for the articles specified in column 2 of the Import and Export Tariff Schedules hereto annexed, the tariff values stated in column 4 of the said Schedules.

TARIFF VALUES.

FOR THE TWELVE MONTHS JANUARY TO DECEMBER, 1934.

*Note.*—Tariff-valued heads are based on the ordinary trade description of each article and cover all reduced grades and mixtures unless they are separately provided for.

IMPORT TARIFF.

| No. in Schedule II. | Names of Articles. | Per | Tariff Values. |
|---|---|---|---|
| | | | Rs. A. P. |
| | FISH. | | |
| 27 | Fish, salted, wet— | | |
| | (*i*) Soormai .. .. .. .. | Indian maund | 6 11 0 |
| | (*ii*) All other sorts .. .. .. .. | " | 5 0 0 |
| | LIQUORS. | | |
| 29 | Spirit from Java denatured before clearance .. .. .. | Imperial gallon | 1 0 0 |
| | SUGAR. | | |
| 34 | Molasses— | | |
| | (*i*) imported in bulk by tank steamer .. .. | cwt. | 1 2 0 |
| | (*ii*) otherwise imported .. .. .. | " | 1 10 0 |
| | OILS. | | |
| 41 | Mineral oil which has its flashing point at or above one hundred and fifty degrees of Fahrenheit's thermometer, and is such as is not ordinarily used except as fuel or for some sanitary or hygienic purposes, if imported in bulk. | ton | 40 0 0 |
| | YARNS AND TEXTILE FABRICS. | | |
| 45A | Silk mixtures. *N. B.*—For tariff values under this item see those marked with an asterisk (*) under No. 133 below. | | |
| | METALLIC ORES, AND SCRAP IRON OR STEEL FOR REMANUFACTURE. | | |
| 58 | Iron or Steel, old .. .. .. .. | cwt. | 1 4 0 |

IMPORT TARIFF—*contd.*

| No. in Schedule II. | Names of Articles. | Per | Tariff Values. Rs. A. P. |
|---|---|---|---|
| | DYES AND COLOURS. | | |
| 58A | Alizarine, moist— | | |
| | (*a*) not exceeding 16 per cent. | cwt. | 65 0 0 |
| | (*b*) over 16 per cent. not exceeding 20 per cent, | „ | 80 0 0 |
| | (*c*) exceeding 20 per cent. | „ | 160 0 0 |
| | Alizarine, dry— | | |
| | (*a*) not exceeding 40 per cent. | lb. | 1 13 0 |
| | (*b*) exceeding 40 per cent. | „ | 3 10 0 |
| | Congo red | „ | 0 10 6 |
| | Coupling dyes of the naphthol group— | | |
| | (*a*) Naphthols | „ | 5 0 0 |
| | (*b*) Rapid fast colours (rapid salts) | „ | 8 0 0 |
| | (*c*) Bases | „ | 4 0 0 |
| | (*d*) Other salts | „ | 2 1 0 |
| | Vats— | | |
| | (*a*) Indigo | „ | 1 8 0 |
| | (*b*) Carbazole blue | „ | 3 13 0 |
| | (*c*) Other sorts— | | |
| | (*i*) Paste | „ | 3 4 0 |
| | (*ii*) Powder | „ | 15 0 0 |
| | Sulphur black | „ | 0 7 0 |
| | Metanil yellow | „ | 1 2 0 |
| | Auramine of concentration of 15 per cent. or less | „ | 0 12 6 |
| | Rhodamine of concentration of 15 per cent. or less (Carthamines). | „ | 0 12 6 |
| | Aniline salts | „ | 0 6 6 |
| | All others | „ | 1 12 6 |
| | FISH. | | |
| 66 | Shark fins, loose or in bundles from Arabian and Persian Gulf ports. | cwt. | 4 0 0 |
| 67 | Shark fins, loose or in bundles from China and the Straits | lb. | 2 0 0 |
| | GRAIN, PULSE AND FLOUR. | | |
| 68 | Cassava or Tapioca flour | cwt. | 5 8 0 |
| | PROVISIONS AND OILMAN'S STORES. | | |
| 69 | Butter | lb. | 0 14 0 |
| | *China preserves in syrup | box of six large or twelve small jars. | 4 14 0 |
| | *China preserves, dry, candied | lb. | 0 3 6 |
| | Cocum | cwt. | 6 10 0 |
| | Ghee | „ | 45 0 0 |
| | Vegetable product (excluding hardened coconut oil) | lb. | 0 4 9 |
| | Vermicelli, flour, from China and the Far East | cwt. | 17 0 0 |
| | Vermicelli, peas, from China and the Far East | „ | 21 0 0 |
| | Vermicelli, rice, from China and the Far East | „ | 17 0 0 |
| | *Yeast, from China and the Far East | „ | 17 0 0 |
| | *N. B.*—The tariff values given in this item apply also to imports assessed to duty as canned or bottled provisions under No. 170 below. | | |
| | GUMS, RESINS AND LAC. | | |
| 74 | Gum Ammoniac | cwt. | 28 0 0 |
| | Gum Bysabol (coarse myrrh) | „ | 19 4 0 |
| | Gum Olibanum or frankincense | „ | 10 12 0 |
| | Gum Persian (false) | „ | 10 5 0 |
| | Myrrh | „ | 19 12 0 |
| | OILS. | | |
| 75 | Cajuputty oil, natural, from Ceylon, Straits, China, Japan and the Far East. | lb. | 1 4 0 |
| | Mineral colza oil | Imperial gallon. | 1 0 0 |
| | Peppermint oil, natural, from Ceylon, Straits, China, Japan and the Far East. | lb. | 3 8 0 |
| | Transformer oil, including transil and switch oil, other than that assessed to duty under the proviso to Item No. 59-D of Schedule II of the Indian Tariff Act, 1894. | Imperial gallon. | 1 4 0 |
| | TALLOW, STEARING AND WAX. | | |
| 77 | Lubricating grease | lb. | 0 3 6 |
| | Petroleum jelly, white | „ | 0 6 0 |
| | Petroleum jelly, all other sorts | „ | 0 2 6 |
| | TEXTILE MATERIALS. | | |
| 78 | Hemp, raw | cwt. | 13 0 0 |
| | Silk, raw— | | |
| | (*a*) Bokhara | lb. | 12 0 0 |
| | (*b*) Chinese— | | |
| | Mathow | „ | 1 14 0 |
| | Panjam | „ | 1 4 0 |
| | White Shanghai, Thonkoon or Duppion | „ | 1 13 0 |
| | White Shanghai, other kinds | „ | [illegible] 0 0 |
| | White other kinds | „ | 2 14 0 |
| | Yellow Shanghai | „ | 3 0 0 |
| | Yellow other kinds | „ | 2 14 0 |
| | (*c*) Persian | „ | 7 0 0 |
| | (*d*) Siam | „ | 5 0 0 |

IMPORT TARIFF—*contd.*

| No. in Schedule II. | Names of articles. | Per | Tariff Values. |
|---|---|---|---|
| | MISCELLANEOUS. | | Rs. A. P. |
| 80 | Canes— | | |
| | Malacca .. .. .. .. .. | 100 pieces | 25 0 0 |
| | Chimity .. .. .. .. .. | „ | 10 4 0 |
| | Tries .. .. .. .. .. | „ | 5 4 0 |
| | Root Moonah .. .. .. .. | „ | 15 8 0 |
| | Mannu .. .. .. .. .. | „ | 14 8 0 |
| | Polo, all kinds— | | |
| | Not exceeding 10 feet in length .. .. .. | „ | 55 0 0 |
| | Exceeding 10 feet in length .. .. | „ | 75 0 0 |
| | Tobite .. .. .. .. .. | cwt. | 20 0 0 |
| | Rattans— | | |
| | Chair .. .. .. .. .. | „ | 15 0 0 |
| | Basket .. .. .. .. .. | „ | 6 12 0 |
| | Outers .. .. .. .. .. | „ | 55 0 0 |
| | Inners .. .. .. .. .. | „ | 35 0 0 |
| 81 | Cowries and shells— | | |
| | Cowries, bazar, common .. .. .. | cwt. | 4 7 0 |
| | Cowries, yellow, superior quality .. .. .. | „ | 5 0 0 |
| | Cowries, Maldive .. .. .. .. | „ | 18 10 0 |
| | Cowries, Sankhli .. .. .. .. | „ | 86 0 0 |
| | Mother-of-pearl, nacre .. .. .. | „ | 20 0 0 |
| | Nakhla .. .. .. .. .. | „ | 101 0 0 |
| | Tortoise-shell .. .. .. .. | lb. | 6 0 0 |
| | Tortoise-shell, nakh .. .. .. | „ | 1 14 0 |
| | CHEMICALS, DRUGS AND MEDICINES. | | |
| 88 | Acetic acid .. .. .. .. .. | lb. | 0 5 0 |
| | Alum (lump) .. .. .. .. .. | cwt. | 6 0 0 |
| | Arsenic (China mansil) .. .. .. .. | „ | 45 0 0 |
| | Borax, granular, powdered or crystalline (in bulk) | „ | 10 0 0 |
| | Calcium carbide .. .. .. .. | „ | 14 0 0 |
| | Chlorate of potash .. .. .. .. | „ | 23 0 0 |
| | Glycerine .. .. .. .. .. | „ | 32 8 0 |
| | Naphthalene balls .. .. .. .. | „ | 11 4 0 |
| | Oxalic acid .. .. .. .. .. | „ | 32 8 0 |
| | Sodium bicarbonate .. .. .. .. | „ | 7 6 0 |
| | Sodium silicate (in liquid form) .. .. .. | „ | 7 10 0 |
| | Asafœtida (hing) .. .. .. .. | „ | 65 0 0 |
| | Asafœtida, coarse (hingra) .. .. .. | „ | 22 0 0 |
| | DYES AND COLOURS. | | |
| 92 | Cochineal .. .. .. .. .. | lb. | 0 15 6 |
| | Gallnuts, Persian .. .. .. .. | cwt. | 46 0 0 |
| | GLASSWARE AND EARTHENWARE. | | |
| 94 | Aerated water bottles, empty— | | |
| | Codd's pattern— | | |
| | Under 10 ozs. .. .. .. .. | gross | 23 0 0 |
| | 10 ozs. .. .. .. .. | „ | 24 0 0 |
| | Over 10 ozs. .. .. .. .. | „ | 26 0 0 |
| | Crown cork pattern— | | |
| | 7 ozs. and under .. .. .. .. | „ | 14 0 0 |
| | Over 7 ozs up to and including 10 ozs. .. .. | „ | 15 0 0 |
| | Over 10 ozs. .. .. .. .. | „ | 17 8 0 |
| | METALS, OTHER THAN IRON AND STEEL. | | |
| 98 | Brass, patent or yellow metal (including gun metal) ingots .. | cwt. | 18 0 0 |
| | Brass, patent or yellow metal (including gun metal), old .. | „ | 17 0 0 |
| | Copper, old .. .. .. .. .. | „ | 24 0 0 |
| | Copper, pigs, tiles, ingots, cakes, bricks and slabs .. | „ | 26 8 0 |
| | Lead, pig .. .. .. .. .. | „ | 10 12 0 |
| | Quicksilver .. .. .. .. .. | lb. | 2 8 0 |
| | PAPER, PASTEBOARD AND STATIONERY. | | |
| 99 | Printing paper, not on reels (excluding chrome, marble, flint, poster and stereo) in which the mechanical wood pulp amounts to not less than 70 per cent. of the fibre content, glazed or unglazed, white or grey. | lb. | 0 1 3 |
| | Straw boards (not lined) .. .. .. .. | cwt. | 4 8 0 |
| | MISCELLANEOUS. | | |
| 108A | Old newspaper, in bales and bags .. .. .. | cwt. | 3 14 0 |
| 112 | Perfumery— | | |
| | Gowla, husked and unhusked .. .. .. | cwt. | 58 0 0 |
| | Kapurkachri (zedoary) .. .. .. .. | „ | 18 0 0 |
| | Patch leaves (patchouli) .. .. .. | „ | 17 0 0 |
| | Rose-flowers, dried .. .. .. .. | „ | 17 4 0 |
| 113 | Pitch and tar— | | |
| | Coal pitch .. .. .. .. .. | cwt. | 2 8 0 |
| | Stockholm pitch .. .. .. .. | „ | 14 0 0 |
| | CHEMICAL DRUGS AND MEDICINES. | | |
| 127 | Camphor, refined, other than powder .. .. .. | lb | 1 8 0 |
| | Camphor, powder, other than synthetic .. .. | „ | 1 0 0 |
| | Camphor, synthetic, tablets and slabs .. .. | „ | 1 6 0 |
| | Camphor, synthetic, powder .. .. .. | „ | 1 0 0 |

IMPORT TARIFF—*contd.*

| No. in Schedule II. | Names of Articles. | Per | Tariff Values. |
|---|---|---|---|
| | YARNS AND TEXTILE FABRICS. | | Rs. A. P. |
| 133 | Silk piece-goods (white or coloured, plain or figured, all lengths and all widths) and other manufactures of silk from Japan and China (including Hongkong)— | | |
| | *Japan*— | | |
| | Paj, all kinds, including Habutai, Thama, Junken and Nankin, and including striped, printed, woven so-called (*i.e.*, swivel weave-work or Khakho embroidered), embossed and pineapples but excluding all kinds of Shioji or Shin Paj. | lb. | 8 12 0 |
| | Satins, Taffetas, and Kohakus, all kinds, including striped, printed, woven so-called (*i.e.*, swivel weave-work or Khakho embroidered), and embossed. | ” | 8 12 9 |
| | Fugi and Boseki— | | |
| | (*a*) Plain, coloured or printed, whether woven with silk stripes or silk flowers and all other kinds not falling under (*b*) | ” | 4 8 0 |
| | (*b*) Woven so-called (*i.e.*, swivel weave-work or Khakho embroidered in artificial silk or embellished with artificial silk). | ” | 4 0 0 |
| | Fancies— | | |
| | (*a*) Plain, coloured or printed including Georgettes, crepes, ninons, gauzes and Shioji or Shin Paj whether woven with silk stripes or silk flowers and all other kinds not falling under (*b*) but excluding silk embroidered piece-goods. | lb. | 13 0 0 |
| | (*b*) Woven so-called (*i.e.*, swivel weave-work or Khakho embroidered in artificial silk or embellished with artificial silk), including Georgettes, crepes, ninons, gauzes and Shioji or Shin Paj. | ” | 11 8 0 |
| | Spun crepe— | | |
| | (*a*) Kembo, striped and plain .. .. | ” | 6 0 0 |
| | (*b*) All other kinds excluding Kembo .. .. | ” | 8 0 0 |
| | Burmese scarves—(*a*) Paj or Hubutai .. .. | ” | 31 0 0 |
| | (*b*) Other kinds .. .. | ” | 38 0 0 |
| | *Cotton and silk mixed satins, other than embroidered | ” | 3 8 0 |
| | *Cotton and silk mixed Fugi and Boseki, all kinds .. | ” | 3 0 0 |
| | Silk Fents .. .. .. .. | ” | 3 8 0 |
| | *China (including Hongkong but excluding Canton)*— | | |
| | Corded, all kinds, excepting white cords .. .. | ” | 2 12 0 |
| | Crepe, gauze, and paj, all kinds .. .. | ” | 10 8 0 |
| | Fugi and Boseki, all kinds .. .. | ” | 4 8 0 |
| | *N. B.*—The tariff values marked with an asterisk (*) are also applicable to silk mixtures under No. 45-A above. | | |
| | MISCELLANEOUS. | | |
| 134 | Celluloid bangles— | | |
| | Celluloid, plain, flat, with border and without border and grooved but excluding double border and double grooved and those under ½ inch (*i.e.*, 2 lines) width. | dozen pairs | 0 10 6 |
| | Celluloid (rubber) rings excluding coils .. .. | ” | 0 2 6 |
| | Celluloid, zigzag, all colours .. .. .. | ” | 0 2 0 |
| | Glass bangles— | | |
| | *China*— | | |
| | Nimuchi and passalal .. .. .. | 100 pairs | 2 0 0 |
| | Bracelet, Jadi and fancy, all kinds .. .. | ” | 4 0 0 |
| | Rajawarakh, all kinds .. .. .. | ” | 5 8 0 |
| | *Japan*— | | |
| | Reshmi or lustre all colours— | | |
| | Fancy (including all kinds of Vakmel or zigzag but excluding hexagonal bangles). | dozen pairs | 0 1 3 |
| | Fancy Hexagonal .. .. .. | ” | 0 0 9 |
| | All others .. .. .. | ” | 0 [illegible] 8 |
| | Hollow or tube, all colours .. .. .. | ” | 0 1 9 |
| | Sonerikada (golbala)— | | |
| | Containing gold in their composition .. | ” | 0 12 0 |
| | All others .. .. .. | ” | 0 2 0 |
| 134 A | Cinematograph films, exposed— | | |
| | Exposed standard positive films, new or used— | | |
| | Feature films .. .. .. | Foot | 0 7 0 |
| | Other films .. .. .. | ” | 0 3 0 |
| | FISH. | | |
| 161 | Bomblas .. .. .. | cwt. | 7 12 0 |
| | FRUITS AND VEGETABLES. | | |
| 162 | Almonds without shell .. .. .. | cwt. | 50 4 0 |
| | Almonds kágazi Persian in the shell .. .. | ” | 48 9 0 |
| | Almonds in the shell Persian .. .. | ” | 9 13 0 |
| | Cashew or cajoo kernels, not skinned .. .. | ” | 24 6 0 |
| | Coconuts, Straits, Dutch East Indies and Siam— | | |
| | Husked .. .. .. .. | thousand | 55 0 0 |
| | Unhusked .. .. .. .. | ” | 73 0 0 |
| | Coconuts, Maldives .. .. .. | ” | 21 0 0 |
| | Coconuts, other .. .. .. | ” | 32 0 0 |
| | Dates, dry, in bags— | | |
| | Basra (Iraq) dates .. .. .. | cwt. | 8 0 0 |
| | All other sorts .. .. .. | ” | 4 12 0 |
| | Dates, wet, in bags, baskets and bundles .. | ” | 3 8 0 |
| | Dates, wet, packed in other receptacles .. | ” | 8 0 0 |
| | Figs, dried, Persian .. .. .. | ” | 6 4 0 |

IMPORT TARIFF—*contd.*

| No. in Schedule II. | Names of Articles. | Per | Tariff Values. Rs. | A. | P. |
|---|---|---|---|---|---|
| | **FRUITS AND VEGETABLES—*concld.*** | | | | |
| | Figs, dried, European | cwt. | 11 | 8 | 0 |
| | Garlic | " | 7 | 8 | 0 |
| | Pistachio nuts | " | 40 | 0 | 0 |
| | Potatoes | " | 5 | 4 | 0 |
| | Raisins, red, Persian Gulf | " | 6 | 8 | 0 |
| | **PROVISIONS AND OILMAN'S STORES.** | | | | |
| 167 | China canned fruit | f 4 doz. | 7 | 12 | 0 |
| 169 | Cassava, Tapioca or Sago | cwt. | 7 | 0 | 0 |
| 170 | Canned or bottled provisions, not otherwise specified<br>*N.-B.*—For tariff values under this item see those marked with an asterisk (*) under No. 69 above. | | | | |
| | **GUMS AND RESINS.** | | | | |
| 171 | Dammer Batu, unrefined | cwt. | 5 | 8 | 0 |
| | Gum Arabic, other than ground | " | 21 | 0 | 0 |
| | Gum Benjamin, ras | " | 22 | 0 | 0 |
| | Gum Benjamin, cowrie | " | 51 | 0 | 0 |
| | Gum Dammer (or Copal) | " | 23 | 2 | 0 |
| | Rosin | " | 8 | 8 | 0 |
| | **OILS.** | | | | |
| 172 | Citronella oil, natural, from Ceylon, Straits, China, Japan and the Far East. | lb. | 1 | 5 | 0 |
| 173 | Cassia oil, natural, from Ceylon, Straits, China, Japan and the Far East. | " | 0 | 14 | 6 |
| | **SEEDS.** | | | | |
| 176 | Copra or coconut kernel | cwt. | 9 | 0 | 0 |
| | **MISCELLANEOUS.** | | | | |
| 179 | Ivory, unmanufactured— | | | | |
| | Elephants' grinders | cwt. | 300 | 0 | 0 |
| | Elephants' tusks (other than hollows, centres, and points), each exceeding 20 lb. in weight, and hollows, centres, and points each weighing 10 lb. and over. | " | 525 | 0 | 0 |
| | Elephants' tusks (other than hollows, centres, and points), not less than 10 lb. and not exceeding 20 lb. each, and hollows, centres and points each weighing less than 10 lb. | " | 430 | 0 | 0 |
| | Elephants' tusks each less than 10 lb. (other than hollows, centres, and points.) | " | 240 | 0 | 0 |
| | Sea-cow or moye teeth, each not less than 4 lb. | " | 275 | 0 | 0 |
| | Sea-cow or moye teeth, each not less than 3 lb. and under 4 lb. | " | 220 | 0 | 0 |
| | Sea-cow or moye teeth, each less than 3 lb. | " | 130 | 0 | 0 |
| | **CHEMICALS, DRUGS AND MEDICINES.** | | | | |
| 181 | Alkali, Indian (saji-khar) | cwt. | 2 | 6 | 6 |
| | Ammonia gas, anhydrous, including compressed or liquified gas | lb. | 0 | 9 | 0 |
| | Ammonium carbonate or bicarbonate | cwt. | 21 | 0 | 0 |
| | Ammonium chloride— | | | | |
| | Muriate of ammonia, crystalline | " | 12 | 8 | 0 |
| | Salammoniac, sublimed | " | 25 | 0 | 0 |
| | Other sorts, including compressed | " | 18 | 0 | 0 |
| | Boric acid (in bulk) | " | 16 | 0 | 0 |
| | Calcium chloride | " | 4 | 6 | 0 |
| | Carbonic acid gas including compressed or liquified gas | lb. | 0 | 5 | 0 |
| | Caustic potash | cwt. | 26 | 0 | 0 |
| | Chlorine | lb. | 0 | 5 | 0 |
| | Copper sulphate | cwt. | 13 | 4 | 0 |
| | Menthol (peppermint) crystals | oz. | 0 | 9 | 6 |
| | Potassium bichromate | cwt. | 33 | 0 | 0 |
| | Soda ash including calcined natural soda and manufactured sesqui-carbonates. | " | 5 | 8 | 0 |
| | Soda, caustic, flake | " | 13 | 10 | 0 |
| | Soda, caustic, powdered | " | 14 | 4 | 0 |
| | Soda, caustic, solid | " | 10 | 12 | 0 |
| | Soda crystals | " | 6 | 8 | 0 |
| | Sodium bichromate | " | 26 | 8 | 0 |
| | Sodium hydrosulphite | " | 48 | 0 | 0 |
| | Sodium hyposulphite (in bulk) | " | 10 | 2 | 0 |
| | Sodium sulphide | " | 6 | 8 | 0 |
| | Tartaric acid in kegs or in bulk | " | 65 | 0 | 0 |
| | Trona or natural soda uncalcined | " | 4 | 0 | 0 |
| | Calumba root | " | 5 | 4 | 0 |
| | China root (chobchini) rough | " | 13 | 8 | 0 |
| | China root (chobchini) scraped | " | 21 | 8 | 0 |
| | Cubebs | " | 44 | 0 | 0 |
| | Galangal, China | " | 12 | 0 | 0 |
| | Salep | " | 105 | 8 | 0 |
| | **CUTLERY, HARDWARE, IMPLEMENTS AND INSTRUMENTS.** | | | | |
| 185 | Crown corks | gross | 0 | 9 | 0 |
| | **DYES AND COLOURS.** | | | | |
| 188 | Gambier, block and cube | cwt. | 13 | 0 | 0 |
| | Gambier in flakes or circular pieces | " | 38 | 0 | 0 |
| 189 | Cuttle fish bone | cwt. | 3 | 7 | 0 |
| | Gamboge | lb. | 1 | 0 | 0 |
| | Vermilion from China | " | 2 | 4 | 0 |

IMPORT TARIFF—*contd.*

| No. in Schedule II. | Names of Articles. | Per | Tariff Values. |
|---|---|---|---|
| | **METALS, IRON AND STEEL.** | | Rs. A. P. |
| 195 | Iron and Steel cans or drums— | | |
| | When imported containing kerosene and motor spirit, namely :— | | |
| | Cans, tinned, of four gallons capacity .. .. | can | 0 6 0 |
| | Cans or drums, not tinned, of two gallons capacity— | | |
| | (a) with faucet caps .. .. .. | can or drum | 1 8 0 |
| | (b) ordinary .. .. .. .. | " | 0 6 0 |
| | Drums of four gallons capacity— | | |
| | (a) with faucet caps .. .. | drum | 2 0 0 |
| | (b) ordinary .. .. .. .. | " | 1 0 0 |
| | **METALS, OTHER THAN IRON AND STEEL.** | | |
| 196 | Aluminium circles .. .. .. .. | lb. | 0 9 6 |
| | Aluminium sheets, plain .. .. .. .. | " | 0 8 6 |
| | Brass, patent or yellow metal, sheets and sheathing, weighing 1 lb. or above per square foot, and braziers, and plates. | cwt. | 26 0 0 |
| | Brass, patent or yellow metal, circles weighing 1 lb. or above per square foot. | " | 30 0 0 |
| | Copper, braziers, sheets, plates and sheathing .. .. | " | 30 0 0 |
| | Copper, circles .. .. .. .. .. | " | 35 0 0 |
| | Copper, foil or dankpana, plain, white, 10 to 11 in. × 4 to 5 in | hundred leaves. | 1 2 0 |
| | Copper, foil or dankpana, plain, coloured, 10 to 11 in. × 4 to 5 in. | " | 1 2 0 |
| | **PAPER, PASTE BOARD AND STATIONERY.** | | |
| 197 | Packing and wrapping paper— | | |
| | Machine-glazed pressings .. .. .. | lb. | 0 1 6 |
| | Manilla, machine-glazed or unglazed, and sulphite envelope | " | 0 1 6 |
| | Kraft and imitation kraft .. .. .. | " | 0 1 6 |
| | **MISCELLANEOUS.** | | |
| 204 | Coir fibre .. .. .. .. .. | cwt. | 4 0 0 |
| | Coir yarn .. .. .. .. .. | " | 12 0 0 |
| 210 | Cycle tyres from Japan and the Far East | dozen | 10 8 0 |
| | Cycle tubes from Japan and the Far East .. | " | 2 8 0 |
| 212 | Umbrella ribs other than nickelled, brassed, fluted or metal tipped— | | |
| | Solid Flexus, all sizes— | | |
| | From Japan .. .. .. .. | dozen sets of 8. | 1 2 0 |
| | From other countries .. .. | " | 2 4 0 |
| | Solids, 23, 25 and 27 inches— | | |
| | From Japan .. .. .. .. | dozen sets of 12. | 1 5 0 |
| | From other countries .. .. .. | " | 2 10 0 |
| | Solids, 16, 19 and 21 inches— | | |
| | From Japan .. .. .. .. | dozen sets of 8. | 0 12 0 |
| | From other countries .. .. | " | 1 4 0 |
| | **SPICES.** | | |
| 217 | Spices, unground— | | |
| | Cardamom seed .. .. .. .. | cwt. | 52 0 0 |
| | Cassia lignea .. .. .. .. | " | 9 12 0 |
| | Cloves .. .. .. .. | " | 40 0 0 |
| | Cloves, exhausted .. .. .. | " | 11 0 0 |
| | Cloves, stems and heads .. .. .. | " | 6 0 0 |
| | Cloves in seeds, narlavang .. .. | " | 20 0 0 |
| | Nutmegs .. .. .. .. | lb. | 0 4 6 |
| | Nutmegs in shell .. .. .. | " | 0 3 0 |
| | Pepper, black .. .. .. .. | cwt. | 30 0 0 |
| | Pepper, long .. .. .. .. | " | 22 8 0 |
| | Pepper, white .. .. .. .. | " | 40 12 0 |
| 218 | Ginger, dry, unground .. .. .. | cwt. | 15 0 0 |
| | Mace, unground .. .. .. .. | lb. | 0 14 0 |
| | **OILS.** | | |
| 223 | Cocoanut oil .. .. .. .. | cwt. | 12 8 0 |
| | Linseed oil, raw or boiled .. .. .. | Imperial gallon | 2 2 0 |
| | **METALS, IRON AND STEEL.** | | |
| 235 | Iron angle, channel and tee— | | |
| | Crown and superior qualities, not fabricated .. .. | ton | 210 0 0 |
| | Other kinds, not fabricated, if galvanized, tinned, or lead-coated. | " | 200 0 0 |

IMPORT TARIFF—*concld.*

| No. in Schedule II. | Names of Articles. | Per. | Tariff Values. |
|---|---|---|---|
| | METALS, IRON AND STEEL—*concld.* | | Rs. A. P. |
| 235—*contd.* | Iron bar and rod— | | |
| | Qualities superior to Grade A of the British Engineering Standard Association. | ton | 385 0 0 |
| | Grade A of the British Engineering Standard Association and Crown quality and intermediate qualities— | | |
| | Over ½ inch in diameter or thickness .. .. | ,, | 225 0 0 |
| | ½ inch and under in diameter or thickness .. | ,, | 235 0 0 |
| | Common, if galvanized, tinned, or lead-coated .. | ,, | 220 0 0 |
| | Iron, pig .. .. .. .. | ,, | 70 0 0 |
| 236 | Iron or Steel nails, and washers— | | |
| | Nails, rose, deck, and flat-headed .. .. .. | cwt. | 12 8 0 |
| | Nails, bullock and horse-shoe .. .. .. | ,, | 38 0 0 |
| | Washers, black, structural .. .. .. | ,, | 9 0 0 |
| | Iron or Steel plates and sheets (including cuttings, discs and circles) not under ⅛ inch thick— | | |
| | Boiler fire-box and special qualities, not fabricated .. | ton | 220 0 0 |
| | Galvanized, plain, not fabricted .. .. | ,, | 190 0 0 |
| 237 | Steel, angle and tee, if galvanized, tinned or lead-coated, not fabricated. | ,, | 200 0 0 |
| | Steel, bar and rod— | | |
| | Galvanized or coated with other metals, all shapes and sizes | ,, | 200 0 0 |
| | Planished or polished, including bright steel shafting, all shapes and sizes. | ,, | 190 0 0 |
| | MISCELLANEOUS. | | |
| 244 | Bird-shot | cwt. | 25 0 0 |
| 245 | Betelnuts (husked)— | | |
| | Whole from Straits, Dutch East Indies and Siam .. | ,, | 6 0 0 |
| | Whole from Goa and Ceylon .. .. | ,, | 10 0 0 |
| | Spit from Ceylon— | | |
| | (*a*) Mature .. .. .. .. .. | ,, | 14 0 0 |
| | (*b*) Immature .. .. .. .. | ,, | 28 0 0 |
| | All other sorts including split not specified and sliced .. | ,, | 8 0 0 |

EXPORT TARIFF.

| No. in Schedule III. | Names of Articles. | Per | Tariff Values. |
|---|---|---|---|
| | HIDES AND SKINS. | | Rs. A. P. |
| 3 | Raw hides and skins if exported from Burma— | | |
| | (1) Arsenicated and air-dried hides— | | |
| | (*a*) Cows (including calf skins) .. .. | lb. | 0 2 9 |
| | (*b*) Buffaloes (including calf skins) .. .. | ,, | 0 1 6 |
| | (2) Dry salted hides— | | |
| | (*a*) Cows (including calf skins) .. .. | ,, | 0 2 6 |
| | (*b*) Buffaloes (including calf skins) .. .. | ,, | 0 1 9 |
| | (3) Wet salted hides— | | |
| | (*a*) Cows (including calf skins) .. .. | ,, | 0 1 6 |
| | (*b*) Buffaloes (including calf skins) .. | ,, | 0 1 0 |
| | (4) Goat and kid skins .. .. .. .. | piece | 0 8 0 |
| | (5) Sheep skins .. .. .. .. | ,, | 0 6 0 |
| | Raw hides and skins if exported from any place in British India other than Burma— | | |
| | (1) Arsenicated and air-dried hides— | | |
| | (*a*) Cows (including calf skins) ... Framed .. | lb. | 0 5 0 |
| | Unframed .. | ,, | 0 3 3 |
| | (*b*) Buffaloes (including calf skins). Framed .. | ,, | 0 3 6 |
| | Unframed .. | ,, | 0 2 6 |
| | (2) Dry salted hides— | | |
| | (*a*) Cows (including calf skins) .. .. | ,, | 0 3 6 |
| | (*b*) Bufialoes (including calf skins) .. .. | ,, | 0 2 0 |
| | (3) Wet salted hides— | | |
| | (*a*) Cows (including calf skins) .. .. | | 0 2 0 |
| | (*b*) Buffaloes (including calf skins) .. | ,, | 0 1 6 |
| | (4) Goat and kid skins .. .. | piece | 0 14 6 |
| | (5) Sheep skins .. .. .. | ,, | 0 8 0 |

T. A. STEWART,

Offg. Secretary to the Government of India.

## DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NOTIFICATIONS.

New Delhi, the 9th December 1933.

**No. F.-317/33-A.**—Mr. F. Ware, F.R.C.V. S., I.V.S., Director, Imperial Institute of Veterinary Research, Muktesar, is granted leave on average pay for one month and 26 days and in continuation thereof leave on half average pay for 5 months and 19 days with effect from the 27th November 1933 and is permitted to prefix Sunday, the 26t' November 1933, to the leave.

**No. F.-317/33-A.**—Mr. W. Taylor, D.V.H., M.R.C.V.S., I.V.S., Principal, Punjab Veterinary College, is appointed to officiate as Director, Imperial Institute of Veterinary Research, Muktesar, with effect from the 27th November 1933, *vice* Mr. Ware, granted leave.

The 12th December 1933.

**No. F.4-12/33-H.**—Lieutenant-Colonel C. H. Reinhold, M.C., F.R.C.S. (Edin.), I.M.S., Civil Surgeon, Lucknow, is appointed to be Inspector-General of Civil Hospitals, Punjab, with effect from the date on which he assumes charge of his duties.

RAM CHANDRA,

Joint Secretary to the Government of India.

FROM SUPPLEMENT TO THE " GAZETTE OF INDIA, " NEW DELHI, SATURDAY, DECEMBER 16, 1933.

No. F.-1122/33-Judicial.

GOVERNMENT OF INDIA.

## HOME DEPARTMENT.

New Delhi, the 12th December 1933.

RESOLUTION.

In exercise of the power conferred by sub-section (2) of section 30 of the Government of India Act, the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Resolution of the Government of India in the Home Department, Nos. 713-734 (Judicial), dated the 2nd June, 1913, relating to the execution of deeds, contracts and other instruments on behalf of His Majesty's Secretary of State for India in Council, namely ;—

In Part F of the said Resolution—

(1) In the entries in the second column relating to item 18 after the words " Signal Engineers " the words " Chief Operating Superintendent, Chief Mechanical Engineer, Chief Electrical Engineer. Controller of Stores, Chief Accounts Officer " shall be inserted.

(2) In the entries in the first column relating to item 22 for the words " Refreshment Contractors " the words " Refreshment and food-stuff Contractors " shall be substituted.

ORDER.—Ordered that the above Resolution be communicated to all Local Governments and administrations including Baluchistan, the several Departments of the Government of India including the Central Board of Revenue, and to the Solicitor to the Government of Bengal, for information and guidance (with reference to their Office Memorandum No. 54-F.-19, dated the 18th November 1933), and that it be also published in the Supplement to the *Gazette of India*

T. SLOAN,

Joint Secretary to the Government of India.

( ) To Railway Department (Railway Board).

## PUBLIC SERVICE COMMISSION (INDIA).

PRESS COMMUNIQUE.

Delhi, the 13th December 1933.

It has been repeatedly represented to the Public Service Commission that the dates fixed for the examination for admission to the Indian Military Academy in March-April each year coincide with those for certain University and other examinations; and that this inflicts hardship on candidates who wish to appear at both the Indian Military Academy and some other examination.

2. The governing factor in the fixation of dates is that the Indian Military Academy requires the batch of cadets which passes at the March-April examination each year to be ready for admission on the 24th August following. This necessitates the getting out of the results some two months before the above date, if a reasonable period of preparation is to be allowed to successful candidates and their parents. Even more time is required for the marking of papers and tabulation of results; further a concurrent examination for one or two candidates is held in London, their scripts being sent out to India for marking. Hence, the spring examination has to be completed by the 15th of April at the latest. In the candidates' own interests it would be better to hold it even earlier, since Delhi in the second half of April frequently becomes unpleasantly hot.

3. For the above reasons, it would be impracticable to change the time of the spring examination from that which has been fixed. The Public Service Commission, after a careful comparison of the various University Calendars, are in a position to say that as far as the first 3 months of the year are concerned, it would be possible to suit the convenience of every one only if no examination at all were held during these three months.

D REYNELL,

Secretary,

Public Service Commission.

1504 CS-798-22-12-33-SGPP Lahore.

[illegible]

GOVERNMENT OF INDIA

HOME DEPARTMENT

[illegible]

RESOLUTION

[illegible]

Registered No. L. 661.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, JANUARY 13, 1933.

## PART IV.

### Acts of the Indian Legislature assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 19th December, 1932, and is hereby promulgated for general information:—

ACT No. XXIII OF 1932.

*An Act to supplement the Criminal Law.*

WHEREAS it is expedient to supplement the Criminal Law and to that end to amend the Indian Press (Emergency Powers) Act, 1931, and further to amend temporarily the Indian Criminal Law Amendment Act, 1908, for the purposes hereinafter appearing;

II of ... of 1908.

It is hereby enacted as follows:—

Short title, extent, extension and commencement.

**1.** (*1*) This Act may be called the Criminal Law Amendment Act, 1932.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall remain in force for three years from its commencement.

(*4*) The whole of the Act except section 4 and section 7 shall come into force at once, and the Local Government may, by notification in the local official Gazette, direct that section 4 or section 7 shall come into force in any area on such date as may be specified in the notification.

Dissuasion from enlistment.

**2.** Whoever wilfully dissuades or attempts to dissuade the public or any person from entering the Military, Naval, Air or Police service of His Majesty shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

*Exception 1.*—This provision does not extend to comments on or criticisms of the policy of Government in connection with the Military, Naval, Air or Police service made in good faith and without any intention to dissuade from enlistment.

*Exception 2.*—This provision does not extend to the case in which advice is given in good faith for the benefit of the individual to whom it is given or for the benefit of any member of his family or of any of his dependants.

Tampering with public servants.

**3.** Whoever induces or attempts to induce any public servant to fail in his duty as such servant shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

*Explanation.*—For the purposes of this section, a public servant denotes a public servant as defined in section 21 of the Indian
XLV of 1860. Penal Code, a servant of a local authority or railway administration, a village choukidar and an employee of a public untility service as defined in section 2 of the Trade Disputes
VII of 1929. Act, 1929.

Boycotting a public servant.

**4.** (*1*) Whoever, with intent to harass any public servant in the discharge of his duties, or to cause him to terminate his services or fail in his duty, refuses to deal with, whether by supplying goods to, or otherwise, or to let on reasonable rent a house usually let for hire or land not being cultivated land to, or to render any customary service to such public servant or any member of his family, on the terms on which such things would be done in the ordinary course, or withholds from such person or his family such medical services as he would ordinarily render, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

*Explanation.*—For the purposes of this section "public servant" has the same meaning as in section 3, but includes also a person in the Military, Naval or Air Service of His Majesty.

(*2*) No Court shall take cognizance of an offence punishable under this section unless upon complaint made by order of or under authority from the Local Government or some officer empowered by the Local Government in this behalf.

Dissemination of contents of proscribed document.

**5.** (*1*) Whoever publishes, circulates or repeats in public any passage from a newspaper, book or other document copies whereof have been declared to be forfeited to His Majesty under any law for the time being in force, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(*2*) No Court shall take cognizance of an offence punishable under this section unless the Local Government has certified that the passage published, circulated or repeated contains, in the opinion of the Local Government, seditious or other matter of the nature referred to in sub-section (*1*) of
V of 1898. section 99A of the Code of Criminal Procedure, 1898, or sub-section (*1*) of section 4 of the
XXIII of 1931. Indian Press (Emergency Powers) Act, 1931.

Dissemination of false rumours.

**6.** (*1*) Whoever makes, publishes or circulates any statement, rumour or report which is false and which he has no reasonable ground to believe to be true, with intent to cause or which is likely to cause fear or alarm to the public or to any section of the public or hatred or contempt towards any class of public servants or any class of His Majesty's subjects shall be punished with imprisonment which may extend to one year or with fine, or with both.

*Explanation.*—For the purposes of this section public servant means a public servant as defined in section 21 of the Indian Penal Code. XLV of 1860.

(*2*) So long as this section remain in force, clause (*b*) of section 505 of the Indian Penal Code shall be inoperative. XLV of 1860.

Molesting a person to prejudice of employment or business.

**7.** (*1*) Whoever—

(*a*) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place, or interferes with any property owned or used by him or deprives him of or hinders him in the use thereof

or

(*b*) loiters or does any similar act at or near the place where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

*Explanation.*—Encouragement of indigenous industries or advocacy of temperance, without the commission of any of the acts prohibited by this section is not an offence under this section.

(*2*) No Court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of officer in charge of a police station.

Power to order parent or guardian to pay fine imposed on young person.

**8.** (*1*) Where any young person under the age of sixteen years is convicted by any Court of an offence which, in the opinion of the Court, has been committed in furtherance of a movement prejudicial to the public safety or peace and such young person is sentenced to fine, the Court may order that the fine shall be paid by the parent or guardian of such young person as if it had been a fine imposed upon the parent or guardian.

*Explanation.*—In this section the word "guardian" includes any person who, in the opinion of the Court, has for the time being the charge of or control over the offender.

(2) Before making an order under this section the Court shall give the parent or guardian an opportunity to appear and be heard, and no such order shall be made if the parent or guardian satisfies the Court that he has not conduced to the commission of the offence by neglecting to control the offender, or that the offence was not committed in furtherance of a movement prejudicial to the public safety or peace.

(3) Where a parent or guardian is ordered to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898. (1898.)

Procedure in offences under the Act. (1898.)

**9.** Notwithstanding anything contained in the Code of Criminal Procedure, 1898,—

(*i*) no Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence under this Act ;

(*ii*) an offence punishable under section 2, 3, 5, 6 or 7 shall be cognizable by the police ;

(*iii*) an offence punishable under section 4 shall be an offence in which a warrant shall ordinarily issue in the first instance ; and

(*iv*) an offence punishable under section 7 shall be non-bailable.

Power of Local Government to make certain offences cognizable and non-bailable.

**10.** (*1*) The Local Government may, by notification in the local official Gazette, declare that any offence punishable under section 186, 188, 189, 190, 228, 295A, 298, 505, 506 or 507 of the Indian Penal Code (of 1860) when committed in any area specified in the notification shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898 (1898.), be cognizable, and thereupon the Code of Criminal Procedure, 1898 (1898.), shall, while such notification remains in force, be deemed to be amended accordingly.

(2) The Local Government may, in like manner and subject to the like conditions, and with the like effect, declare that an offence punishable under section 188 or section 506 of the Indian Penal Code (of 1860.) shall be non-bailable.

Amendment of section 16, Act XIV of 1908. (of 1908.)

**11.** So long as this Act remains in force, section 16 of the Indian Criminal Law Amendment Act, 1908, shall be deemed to be re-numbered as sub-section (*1*) of section 16 and to that section as so re-numbered the following sub-section shall be deemed to be added, namely :—

"(2) The Governor General in Council, if satisfied to the like effect, may, by notification in the Gazette of India, declare an association to be an unlawful association, and thereupon such association shall be, so long as the declaration remains in force, an unlawful association for the purposes of this Act throughout the whole of British India."

Amendment of section 17, Act XIV of 1908.

**12.** So long as this Act remains in force, to section 17 of the Indian Criminal Law Amendment Act, 1908, the following sub-section shall be deemed to be added, namely :— XIV of 1908.

"(3) An offence under sub-section (*1*) shall be cognizable by the police, and notwithstanding anything contained in the Code of Criminal Procedure, 1898, shall be non-bailable." V of 1898.

Insertion of new sections 17A, 17B, 17C, 17D, 17E and 17F in Act XIV of 1908.

**13.** So long as this Act remains in force, after section 17 of the Indian Criminal Law Amendment Act, 1908, the following sections shall be deemed to be inserted, namely :— XIV of 1908.

Power to notify and take possession of places used for the purposes of an unlawful association.

"**17A.** (*1*) The Local Government may, by notification in the local official Gazette, notify any place which in its opinion is used for the purposes of an unlawful association.

*Explanation.*—For the purposes of this section 'place' includes a house or building, or part thereof or a tent or vessel.

(2) The District Magistrate or in a Presidency-town the Commissioner of Police, or any officer authorised in this behalf in writing by the District Magistrate or Commissioner of Police, as the case may be, may thereupon take possession of the notified place and evict therefrom any person found therein, and shall forthwith make a report of the taking possession to the Local Government :

Provided that where such place contains any apartment occupied by women or children, reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience.

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of Government so long as the notification under sub-section (*1*) in respect thereof remains in force.

Moveable property found in a notified place.

17B. (*1*) The District Magistrate, Commissioner of Police or Officer taking possession of a notified place shall also take possession of all

moveable property found therein, and shall make a list thereof in the presence of two respectable witnesses.

(2) If, in the opinion of the District Magistrate, or in a Presidency-town the Commissioner of Police, any articles specified in the list are or may be used for the purposes of the unlawful association, he may proceed subject to the provisions hereafter contained in this section to order such articles to be forfeited to His Majesty.

(3) All other articles specified in the list shall be delivered to the person whom he considers to be entitled to possession thereof, or, if no such person is found, shall be disposed of in such manner as the District Magistrate or Commissioner of Police, as the case may be, may direct.

(4) The District Magistrate or Commissioner of Police shall publish, as nearly as may be in the manner provided in section
V of 1898. 87 of the Code of Criminal Procedure, 1898, for the publication of a proclamation, a notice specifying the articles which it is proposed to forfeit and calling upon any person claiming that any article is not liable to forfeiture to submit in writing within fifteen days any representation he desires to make against the forfeiture of the article.

(5) Where any such representation is accepted by the District Magistrate or Commissioner of Police, he shall deal with the article concerned in accordance with the provisions of sub-section (3).

(6) Where any such representation is rejected, the representation, with the decision thereon, shall be forwarded to the District Judge, in the case of a decision by a District Magistrate, or, to the Chief Judge of the Small Cause Court, in the case of a decision by the Commissioner of Police, and no order of forfeiture shall be made until the District Judge or Chief Judge of the Small Cause Court, as the case may be, has adjudicated upon the representation. Where the decision is not confirmed the article shall be dealt with in accordance with the provisions of sub-section (3).

(7) In making an adjudication under sub-section (6) the procedure to be followed shall be the procedure laid down in the Code of
V of 1908. Civil Procedure, 1908, for the investigation of claims so far as it can be made to apply, and the decision of the District Judge or Chief Judge of the Small Cause Court, as the case may be, shall be final.

(8) If the article seized is livestock or is of a perishable nature, the District Magistrate or Commissioner of Police may, if he thinks it expedient, order the immediate sale thereof, and the proceeds of the sale shall be disposed of in the manner herein provided for the disposal of other articles.

Trespass upon notified places.

17C. Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass.

The relinquishment of property.

17D. Before a notification under sub-section (1) of section 17A is cancelled, the Local Government shall give such general or special directions as it may deem requisite regulating the relinquishment by Government of possession of notified places.

Power to forfeit funds of an unlawful association.

17E. (1) Where the Local Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used for the purposes of an unlawful association, the Local Government may, by order in writing, declare such monies, securities or credits to be forfeited to His Majesty.

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies, securities or credits, and on the service of such copy such person shall pay or deliver the monies, securities or credits to the order of the Local Government :

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Local Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Before an order of forfeiture is made under sub-section (1) the Local Government shall give written notice to the person (if any) in whose custody the monies, securities or credits are found of its intention to forfeit, and any person aggrieved thereby may within fifteen days from the issue of such notice file an application to the District Judge in a District, or to the Chief Judge of the Small Cause Court in a Presidency-town, to establish that the monies, securities or credits or any of them are not liable to forfeiture, and if any such application is made, no order of forfeiture shall be passed in respect of the monies, securities or credits concerned until such application has been disposed of, and unless the District Judge or Chief Judge of the Small Cause Court has decided that the monies, securities or credits are liable to forfeiture.

(4) In disposing of an application under sub-section (3) the procedure to be followed shall be the procedure laid down in the Code of Civil Procedure, 1908, for the investigation of claims so far as it can be made to apply, and the decision of the District Judge or Chief Judge of the Small Cause Court, as the case may be, shall be final. V of

(5) Where the Local Government has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the

purposes of an unlawful association, the Local Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Local Government. A copy of such order shall be served upon the person to whom it is directed.

(6) The Local Government may endorse a copy of an order under sub-section (3) for investigation to any officer it may select, and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for monies and securities, and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of and dealings in any monies, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

(7) A copy of an order under this section may be served in the manner provided in the Code of Criminal Procedure, 1898, for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office, or, where there is no registered office, at the place where it carries on business.

V of 1898.

(8) Where an order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under subsection (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities, or credits forfeited, to the order of the Local Government.

(9) Where any person liable under this section to pay or deliver any monies, securities, or credits to the order of the Local Government refuses or fails to comply with any direction of the Local G vernment in this behalf, the Local Government may recover from such person, as arrears of land-revenue or as a fine, the amount of such monies or credits or the market value of such securities.

(10) In this section, 'security' includes a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the market value of any security means the value as fixed by any officer or person deputed by the Local Government in this behalf.

(11) Except so far as is necessary for the purposes of any proceeding under this section, no information obtained in the course of any investigation made under sub-section (6) shall be divulged by any officer of Government, without the consent of the Local Government.

Jurisdiction barred.

17F. Every report of the taking possession of property and every declaration of forfeiture made, or purporting to be made under this Act, shall, as against all persons, be conclusive proof that the property specified therein has been taken possession of by Government or has been forfeited, as the case may be, and save as provided in sections 17B and 17E no proceeding purporting to be taken under section 17A, 17B, 17C, 17D or 17E shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under the said sections or against Government or any person acting on behalf of or by authority of Government for any loss or damage caused to or in respect of any property whereof possession has been taken by Government under this Act."

Amendment of title and preamble of Act XXIII of 1931.

**14.** In the long title and in the preamble of the Indian Press (Emergency Powers) Act, 1931, for the words "against the publication of matter inciting to or encouraging murder or violence" the words "for the better control of the Press" shall be substituted. XXIII of 1931.

Amendment of section 1, Act XXIII of 1931.

**15.** For sub-section (3) of section 1 of the Indian Press (Emergency Powers) Act, 1931, the following sub-section shall be substituted, namely:— XXIII of 1931.

"(3) It shall remain in force until the expiration of the Criminal Law Amendment Act, 1932."

Amendment of section 4, Act XXIII of 1931.

**16.** In sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931,— XXIII of 1931.

(a) after clause (b) the following words and clauses shall be inserted, namely:—

"or which tend, directly or indirectly,—

(c) to seduce any officer, soldier, sailor or airman in the military, naval or air forces of His Majesty or any police officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India or any class or section of His Majesty's subjects in British India, or to excite dis-

moveable property found therein, and shall make a list thereof in the presence of two respectable witnesses.

(2) If, in the opinion of the District Magistrate, or in a Presidency-town the Commissioner of Police, any articles specified in the list are or may be used for the purposes of the unlawful association, he may proceed subject to the provisions hereafter contained in this section to order such articles to be forfeited to His Majesty.

(3) All other articles specified in the list shall be delivered to the person whom he considers to be entitled to possession thereof, or, if no such person is found, shall be disposed of in such manner as the District Magistrate or Commissioner of Police, as the case may be, may direct.

(4) The District Magistrate or Commissioner of Police shall publish, as nearly as may be in the manner provided in section
V of 1898. 87 of the Code of Criminal Procedure, 1898, for the publication of a proclamation, a notice specifying the articles which it is proposed to forfeit and calling upon any person claiming that any article is not liable to forfeiture to submit in writing within fifteen days any representation he desires to make against the forfeiture of the article.

(5) Where any such representation is accepted by the District Magistrate or Commissioner of Police, he shall deal with the article concerned in accordance with the provisions of sub-section (3).

(6) Where any such representation is rejected, the representation, with the decision thereon, shall be forwarded to the District Judge, in the case of a decision by a District Magistrate, or, to the Chief Judge of the Small Cause Court, in the case of a decision by the Commissioner of Police, and no order of forfeiture shall be made until the District Judge or Chief Judge of the Small Cause Court, as the case may be, has adjudicated upon the representation. Where the decision is not confirmed the article shall be dealt with in accordance with the provisions of sub-section (3).

(7) In making an adjudication under sub-section (6) the procedure to be followed shall be the procedure laid down in the Code of
V of 1908. Civil Procedure, 1908, for the investigation of claims so far as it can be made to apply, and the decision of the District Judge or Chief Judge of the Small Cause Court, as the case may be, shall be final.

(8) If the article seized is livestock or is of a perishable nature, the District Magistrate or Commissioner of Police may, if he thinks it expedient, order the immediate sale thereof, and the proceeds of the sale shall be disposed of in the manner herein provided for the disposal of other articles.

Trespass upon notified places.

17C. Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass.

The relinquishment of property.

17D. Before a notification under sub-section (1) of section 17A is cancelled, the Local Government shall give such general or special directions as it may deem requisite regulating the relinquishment by Government of possession of notified places.

Power to forfeit funds of an unlawful association.

17E. (1) Where the Local Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used for the purposes of an unlawful association, the Local Government may, by order in writing, declare such monies, securities or credits to be forfeited to His Majesty.

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies, securities or credits, and on the service of such copy such person shall pay or deliver the monies, securities or credits to the order of the Local Government:

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Local Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Before an order of forfeiture is made under sub-section (1) the Local Government shall give written notice to the person (if any) in whose custody the monies, securities or credits are found of its intention to forfeit, and any person aggrieved thereby may within fifteen days from the issue of such notice file an application to the District Judge in a District, or to the Chief Judge of the Small Cause Court in a Presidency-town, to establish that the monies, securities or credits or any of them are not liable to forfeiture, and if any such application is made, no order of forfeiture shall be passed in respect of the monies, securities or credits concerned until such application has been disposed of, and unless the District Judge or Chief Judge of the Small Cause Court has decided that the monies, securities or credits are liable to forfeiture.

(4) In disposing of an application under sub-section (3) the procedure to be followed shall be the procedure laid down in the Code of Civil Procedure, 1908, for the investigation of claims so far as it can be made to apply, V of 1908.
and the decision of the District Judge or Chief Judge of the Small Cause Court, as the case may be, shall be final.

(5) Where the Local Government has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the

purposes of an unlawful association, the Local Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Local Government. A copy of such order shall be served upon the person to whom it is directed.

(6) The Local Government may endorse a copy of an order under sub-section (3) for investigation to any officer it may select, and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for monies and securities, and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of and dealings in any monies, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

(7) A copy of an order under this section may be served in the manner provided in the Code of Criminal Procedure, 1898, for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office, or, where there is no registered office, at the place where it carries on business.

V of 1898.

(8) Where an order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities, or credits forfeited, to the order of the Local Government.

(9) Where any person liable under this section to pay or deliver any monies, securities, or credits to the order of the Local Government refuses or fails to comply with any direction of the Local G vernment in this behalf, the Local Government may recover from such person, as arrears of land-revenue or as a fine, the amount of such monies or credits or the market value of such securities.

(10) In this section, 'security' includes a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the market value of any security means the value as fixed by any officer or person deputed by the Local Government in this behalf.

(11) Except so far as is necessary for the purposes of any proceeding under this section, no information obtained in the course of any investigation made under sub-section (6) shall be divulged by any officer of Government, without the consent of the Local Government.

Jurisdiction barred.

17F. Every report of the taking possession of property and every declaration of forfeiture made, or purporting to be made under this Act, shall, as against all persons, be conclusive proof that the property specified therein has been taken possession of by Government or has been forfeited, as the case may be, and save as provided in sections 17B and 17E no proceeding purporting to be taken under section 17A, 17B, 17C, 17D or 17E shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under the said sections or against Government or any person acting on behalf of or by authority of Government for any loss or damage caused to or in respect of any property whereof possession has been taken by Government under this Act."

Amendment of title and preamble of Act XXIII of 1931.

**14.** In the long title and in the preamble of the Indian Press (Emergency Powers) Act, 1931, for the words "against the publication of matter inciting to or encouraging murder or violence" the words "for the better control of the Press" shall be substituted. XXIII of 1931.

Amendment of section 1, Act XXIII of 1931.

**15.** For sub-section (3) of section 1 of the Indian Press (Emergency Powers) Act, 1931, the following sub-section shall be substituted namely:— XXIII of 1931.

"(3) It shall remain in force until the expiration of the Criminal Law Amendment Act, 1932."

Amendment of section 4, Act XXIII of 1931.

**16.** In sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931,— XXIII of 1931.

(a) after clause (b) the following words and clauses shall be inserted, namely:—

" or which tend, directly or indirectly,—

(c) to seduce any officer, soldier, sailor or airman in the military, naval or air forces of His Majesty or any police officer from his allegiance or his duty, or

(d) to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India or any class or section of His Majesty's subjects in British India, or to excite dis-

affection towards His Majesty or the said Government, or

(e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land-revenue, tax, rate, cess or other due or amount payable to Government or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(g) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(h) to promote feelings of enmity or hatred between different classes of His Majesty's subjects ; or

(i) to prejudice the recruiting of persons to serve in any of His Majesty's forces, or in any police force, or to prejudice the training, discipline or administration of any such force." ;

(b) the *Explanation* shall be numbered as *Explanation 1*, and after the *Explanation* as so numbered the following *Explanations* shall be inserted, namely :—

"*Explanation 2.*—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

*Explanation 3.*—Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

*Explanation 4.*—Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty's subjects shall not be deemed to be words of the nature described in clause (*h*) of this sub-section."

Cessation of effect of section 62, Ordinance X of 1932.

**17.** On the commencement of this Act section 62 of the Special Powers Ordinance, 1932, shall cease to have effect. X of 1932.

Adoption and continuance of action taken under Ordinance X of 1932.

**18.** Anything done or any proceedings commenced in pursuance of the provisions of Chapter VI of the Special Powers Ordinance, 1932, shall, upon the commencement of this Act, be deemed to have been done or to have been commenced in pursuance of the corresponding provisions of the Indian Criminal Law Amendment Act, 1908, as amended by this Act, and shall have effect as if this Act was already in force when such thing was done or such proceedings were commenced. X of 1932. XIV of 1908.

Adoption and continuance of action taken under Act XXIII of 1931 as amended by Ordinance X of 1932.

**19.** Anything done or any proceedings commenced in pursuance of the provisions of the Indian Press (Emergency Powers) Act, 1931, as amended by section 77 of the Special Powers Ordinance, 1932, shall, upon the commencement of this Act, be deemed to have been done or to have been commenced in pursuance of the corresponding provisions of the Indian Press (Emergency Powers) Act, 1931, as amended by this Act, and shall have effect as if this Act was already in force when such thing was done or such proceedings were commmenced. XXIII of 1931. X of 1932. XXIII of 1931.

Trial of, and completion of trials of, offences against Ordinance X of 1932.

**20.** Any person accused of the commission of an offence punishable under section 24, 25, 26, 28, 67 or 70, or by reason of the provisions of Chapter VI of the Special Powers Ordinance, 1932, may, notwithstanding the expiry of the said Ordinance, be tried and punished as if such offence were an offence punishable under or by reason of the corresponding enactment of this Act, and as if this Act had been in force at the time of such commission ; and any trial of any such offence begun but not completed at the expiry of the special Powers Ordinance, 1932, may be continued and completed as if it had been begun after the passing of this Act : X of 1932. X of 1932.

Provided that no trial of an offence punishable under section 67 or 70 of the said Ordinance shall be begun, continued or completed in any area in which section 4 or section 7, as the case may be, is not in force.

D. G. MITCHELL,

Offg. Secy. to the Govt. of India.

The following Act of the Indian Legislature received the assent of the Governor General on the 23rd December, 1932, and is hereby promulgated for general information :—

ACT No. XXIV OF 1932.

*An Act to supplement the Bengal Suppression of Terrorist Outrages Act, 1932.*

Ben. Act XII of 1932. WHEREAS it is expedient to supplement the Bengal Suppression of Terrorist Outrages Act, 1932 ; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Bengal Suppression of Terrorist Outrages (Supplementary) Act, 1932.

Definitions. 2. In this Act,—

(a) "Code" means the Code of Criminal Procedure, 1898 ; and V of 1898.

(b) "local Act" means the Bengal Suppression of Terrorist Outrages Act, 1932. Ben. Act XII of 1932.

Appeals. 3. (1) An appeal shall lie to the High Court of Judicature at Fort William in Bengal, from—

(a) any sentence passed by a Special Magistrate in any trial held under the local Act in the Presidency-town of Calcutta,

(b) any sentence of transportation for a term exceeding two years, or of imprisonment for a term exceeding four years passed by a Special Magistrate in any trial under the local Act held outside the Presidency town of Calcutta.

(2) An appeal under sub-section (1) shall be presented within thirty days from the date of the sentence, and shall be disposed of by the High Court in the manner provided in Chapter XXXI of the Code for the hearing of appeals.

Effect of section 19 of local Act. 4. Section 19 of the local Act shall have effect as if it had been enacted by the Indian Legislature.

Exclusion of interference of Courts with proceedings under local Act. 5. Notwithstanding the provisions of the Code, or of any other law for the time being in force or of anything having the force of law, there shall, save as provided in the local Act as supplemented by this Act, be no appeal from any order or sentence passed by a Special Magistrate under the local Act and save as aforesaid no Court shall have authority to revise such order or sentence, or to transfer any case from any such Magistrate, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of any such Magistrate, or of any direction made under Chapter II of the local Act :

Provided always that nothing herein contained shall affect the powers of the High Court under section 107 of the Government of India Act.

D. G. MITCHELL,

Offg. Secy. to the Govt. of India.

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The following Act of the Indian Legislature received the assent of the Governor General on the 23rd December, 1932, and is hereby promulgated for general information :—

ACT NO. XXV OF 1932.

*An Act further to amend the Indian Tariff Act, 1894, for certain purposes.*

WHEREAS at the Imperial Economic Conference held at Ottawa between the 21st day of July and the 20th day of August, 1932, the Government of India by their representatives made with His Majesty's Government in the United Kingdom by their representatives a Trade Agreement ;

AND WHEREAS a Supplementary Agreement regarding iron and steel was likewise made by the said Governments ;

AND WHEREAS in pursuance of the said Trade Agreement and the said Supplementary Agreement it is expedient to amend the Indian Tariff Act, 1894, in the manner hereinafter appearing ; VIII of 1894.

It is hereby enacted as follows :—

Short title and commencement. 1. (1) This Act may be called the Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Amendment of section 3, Act VIII of 1894. 2. In section 3 of the India Tariff Act, 1894 (hereinafter referred to as the said Act), after sub-section (3), the following sub-sections shall be inserted, namely :— VIII of 1894.

"(3A) The duty to be levied and collected on any article chargeable under

Part VIII or Part IX of the Second Schedule shall be at the standard rate specified for it, unless a preferential rate is specified for such article if it is the produce or manufacture of the United Kingdom or of a British Colony, and the article is determined, in accordance with rules made under sub-section (*3B*), to be such produce or manufacture.

*Explanation.*—For the purposes of this section and of Parts VIII and IX of the Second Schedule, the expression "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland, and the expression "British Colony" includes British Protectorate and any of the Manda ed Territories of Tanganyika, the Cameroons under British Mandate and Togoland under British Mandate.

(*3B*) The Governor General in Council may, by notification in the Gazette of India, make rules—

(*a*) for determining if any article is the produce or manufacture of the United Kingdom or a British Colony; and

(*b*) making provision, in cases where at the time of importation proof is not forthcoming where required in accordance with the rules made under clause (*a*) that any article is the produce or manufacture of the United Kingdom or a British Colony—

(*i*) whereby duty may be levied at the standard rate and a refund given of the extra duty paid if such proof is produced within a prescribed period, and

(*ii*) whereby duty may be accepted provisionally at the preferential rate on execution of a bond for the payment of the balance of duty if such proof is not produced within a prescribed period, and for the recovery of any balance due after the expiry of the prescribed period as if such balance were duty shortlevied within the meaning of section 39 of the Sea Customs Act, 1878."

Amendment of the Second Schedule, Act VIII of 1894.

**3.** In the Second Schedule to the said Act, there shall be made the amendments specified in the Schedule to this Act.

Bar of operation of section 4, Indian Finance Act, 1931, and section 4, Indian Finance (Supplementary and Extending) Act, 1931.

**4.** (*1*) Notwithstanding anything contained in section 4 of the Indian Finance Act, 1931, the additional duties imposed by that section shall not be levied or collected on any articles chargeable with duty under Part VIII or part IX of the said Schedule to the said Act as amended by section 3 of this Act.

(*2*) Notwithstanding anything contained in section 4 of the Indian Finance (Supplementary and Extending) Act, 1931, the additional duty imposed by that section shall not be levied or collected on iron or steel sheets comprised in Item No. 148A of the Second Schedule to the said Act as inserted by section 3 of this Act.

THE SCHEDULE.

(*See* section 3.)

*Amendments to the Second Schedule to the Indian Tariff Act,* 1894.

1. In Item No. 27, the words "or dry" shall be omitted.

2. In Item No. 28, for the entry in the second column the following entry shall be substituted, namely :—

"PORTER, cider and other fermented liquors except ale and beer."

3. In Item No. 30,—

(*a*) in sub-item (1), the word "rum" shall be omitted ;

(*b*) in sub-item (2), for the brackets and words "(other than drugs and medicines)" the words "not otherwise specified" shall be substituted ; and

(*c*) sub-items (3) and (4) shall be omitted.

4. Item No. 36 shall be omitted.

5. In Item No. 41, sub-item (2) shall be omitted, and sub-item (3) shall be renumbered as sub-item (2).

6. In Item No. 41B, after the word "SHOES" the words "not otherwise specified" shall be added.

7. In Item No. 42,—

(a) sub-item (1) shall be omitted ;

(b) in sub-item (2), for the entry in the second column the following entry shall be substituted, namely :—

" (2) Barrels, whether single or double, for firearms, including gas and air guns, gas and air rifles, and gas and air pistols, not otherwise specified. " ; and

(c) sub-items (2) to (8) shall be renumbered as sub-items (1) to (7).

8. For Item No. 42A the following item shall be substituted, namely :—

| | | | |
|---|---|---|---|
| 42A | MOTOR CYCLES and motor scooters and articles (other than rubber tyres and tubes) adapted for use as parts and accessories thereof except such articles as are also adapted for use as parts and accessories of motor cars. | *Ad valorem* | 20 per cent." |

9. Item No. 43 with the heading thereto, Item No. 46C, and Items Nos. 60, 61 and 62 with the heading thereto shall be omitted.

10. In Item No. 65, for the words "excluding salted fish (*see* No. 27) ", the words "not otherwise specified " shall be substituted.

11. Item No. 67 with the heading thereto shall be omitted.

12. In Item No. 69, for the words " all sorts, excluding Vinegar in casks (*see* No. 48) ", the words " all sorts not otherwise specified ; including also the following articles if canned or bottled, namely, bacon, ham, biscuits, cakes, butter, vegetable product, cheese, farinaceous and patent foods, ghee, isinglass, jams and jellies, lard, pickles, chutnies, sauces and condiments " shall be substituted.

13. Item No. 71 with the heading thereto, and Item No. 72 shall be omitted.

14. In Item No. 74, the brackets, words and figures " (*see* No. 10B) " shall be omitted.

15. For Item No. 75 the following item shall be substituted, namely :—

"75 | All sorts of ANIMALS and MINERAL OILS not otherwise specified, and the following NATURAL ESSENTIAL OILS, namely, almond, bergamot, gajupatti, camphor, cloves, eucalyptus, lavender, lemon, pottorose and pepermint."

16. Item No. 82, and Item No. 85 with the heading thereto shall be omitted.

17. For Item No. 87 the following item shall be substituted, namely :—

"87 | TRAMCARS, passenger lifts, and all other sorts of conveyances not otherwise specified and component parts and accessories thereof ; also motor vans and motor lorries imported complete."

18. For Item No. 88 the following item shall be substituted, namely :—

"88 | The following CHEMICALS, DRUGS and MEDICINES, namely, acetic, carbolic, citric and oxalic acids, naphthalene, potassium chlorate and potassium cyanide, bicarbonate of soda, borax sodium silicate, arsenic, calcium carbide, glycerine ferrous sulphate, lead magnesium and zinc compounds not otherwise specified, alœs, asafœtida, cocaine, sarsaparilla and storax."

19. For Items Nos. 89, 90, 90A, 90B and 91 the following items shall be substituted namely :—

"89 | The following HARDWARE, IRONMONGERY and TOOLS namely, agricultural implements not otherwise specified, buckets and tinned or galvanised iron, and pruning knives.

90 | The following ELECTRICAL INSTRUMENTS, APPARATUS and APPLIANCES, namely, telegraphic and telephonic instruments, apparatus and appliances not otherwise specified, flash lights, carbons, condensers and bell apparatus ; and switch-boards designed for use in circuits of less than ten *amperes* and at a pressure not exceeding 250 volts.

91 | OPTICAL INSTRUMENTS, APPARATUS AND APPLIANCES."

20. In Item No. 92, the words " and paints and colours and painters' materials, all sorts " shall be omitted.

21. For Item No. 93 with the heading thereto the following item shall be substituted, namely :—

"93 | The following PAINTS, COLOURS and PAINTERS' MATERIALS, namely, barytes, reduced dry red lead and white lead, reduced dry zinc white and moist zinc white, turpentine turpentine substitute, and varnish not containing dangerous petroleum within the meaning of the Indian Petroleum Act, 1899."

22. In Item No. 94 the words " earthenware, china and porcelain," shall be omitted.

23. After Item No. 94 the following item shall be inserted, namely :—

" 94A | EARTHENWARE pipes and sanitary ware."

24. For Item No. 95 the following item shall be substituted, namely :—

" 95 | HIDES AND SKINS not otherwise specified, and the following LEATHER MANUFACTURES namely, saddlery, harness, trunks and bags."

25. Item No. 96 with the heading thereto, and Item No. 97 with the heading thereto, shall be omitted.

26. In item No. 98, after the word "specified" the words "including unwrought ingots, blocks and bars of aluminium, scrap copper, copper braziers and lead sheets for tea chests" shall be added.

27. Item No. 99 with the heading thereto shall be omitted.

28. In Item No. 100, for the words "Haberdashery and millinery, excluding articles made of silk or artificial silk and silk or artificial silk mixtures" the words "Towels not in the piece" shall be substituted; and for the words "Woollen yarn, knitting wool, and other manufactures of wool, including felt" the words "Woollen blankets and rugs other than floor rugs" shall be substituted.

29. Item No. 102 shall be omitted.

30. For Item No. 103 the following item shall be substituted namely :—

"103 | The following BUILDING AND ENGINEERING MATERIALS, namely, bricks, chalk, lime and clay."

31. Item No. 105 and Item No. 106 shall be omitted.

32. In Item No. 108, after the word "MATTINGS" the words "not otherwise specified" shall be added.

33. After Item No. 108 the following item shall be inserted, namely :—

"108A | NEWSPAPERS, old, in bales and bags."

34. Item No. 110 and Item No. 111 shall be omitted.

35. In Item No. 113, for the words "PITCH, TAR AND DAMMER" the words "PITCH AND TAR" shall be substituted.

36. For Item No. 115 the following item shall be substituted, namely :—

"115 | SLATE PENCILS."

37. After Item No. 116 the following item shall be inserted, namely :—

"117 | STRAW BOARD, all sorts."

38. Item No. 119, Item No. 122 and Item No. 124 shall be omitted.

39. In Item No. 124A, after the word "SPICES" the words "when not unground" shall be inserted.

40. In Item No. 126, for the words "subject to the exemptions specified in No. 12, all articles other than those specified in entries Nos. 42, 86A and 141" the words "save where otherwise specified, all articles" shall be substituted; and the words "which are dutiable as hardware under No. 90" shall be omitted.

41. Item No. 128A shall be omitted.

42. For Item No. 129, the following item shall be substituted, namely :—

"129 | ARTICLES, other than cutlery and surgical instruments, plated with gold or silver."

43. For Item No. 130 the following item shall be substituted, namely :—

"130 | The following MUSICAL INSTRUMENTS, namely complete organs and harmoniums and records for talking machines."

44. Item No. 140, Item No. 141, and Item No. 141A with the heading thereto, shall be omitted.

45. With effect to the 31st day of March, 1934, for sub-item (*b*) of Item No. 148, the following sub-item shall be deemed to be substituted, namely :—

| | |
|---|---|
| "(*b*) not fabricated, all sorts not otherwise specified— | |
| of British manufacture .. | Rs. 35 per ton. |
| not of British manufacture .. | Rs. 59 per ton." |

46. With effect to the 31st day of March, 1934, after Item No. 148 the following item shall be deemed to be inserted, namely :—

| | | |
|---|---|---|
| "148A | IRON OR STEEL sheets (including cuttings, discs and circles) under $\frac{1}{8}$ inch thick, galvanized, not fabricated— | |
| | of British manufacture— | |
| | (*i*) if made from Indian sheet bar .. | Rs. 30 per ton. |
| | (*ii*) if made from sheet bar other than Indian sheet bar | Rs. 53 per ton. |
| | not of British manufacture .. | Rs. 83 per ton." |

47. After Part VII the following Parts shall be inserted, namely :—

"PART VIII.

Articles which are liable to duty at 30 per cent. *ad valorem* or to preferential duty at 20 per cent.

| No. | Names of articles. | Standard rate of duty. | PREFERENTIAL RATE OF DUTY IF THE ARTICLE IS THE PRODUCE OR MANUFACTURE OF— The United Kingdom. | A British Colony. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | *I.—Food, Drink and Tobacco.* | | | |
| | FISH. | | | |
| 161 | FISH, UNSALTED, dry .. .. | 30 per cent. | .. | 20 per cent. |
| | FRUITS AND VEGETABLES. | | | |
| 162 | FRUITS AND VEGETABLES, all sorts, fresh, dried, salted or preserved, not otherwise specified, including vanilla beans. | 30 per cent. | .. | 20 per cent. |
| | PROVISIONS AND OILMAN'S STORES. | | | |
| 163 | COCOA and CHOCOLATE other than confectionery. | 30 per cent. | 20 per cent. | .. |
| 164 | COFFEE, canned or bottled .. | 30 per cent. | 20 per cent. | 20 per cent. |
| 165 | FISH, canned .. .. | 30 per cent. | 20 per cent. | 20 per cent. |
| 166 | FRUIT JUICES .. .. | 30 per cent. | 20 per cent. | 20 per cent. |
| 167 | FRUITS AND VEGETABLES, canned or bottled. | 30 per cent. | 20 per cent. | 20 per cent. |
| 168 | MILK, condensed or preserved, including milk cream. | 30 per cent. | 20 per cent. | |
| 169 | SAGO (excluding Sago floor) and TAPIOCA. | 30 per cent. | .. | 20 per cent. |
| 170 | CANNED OR BOTTLED PROVISIONS, not otherwise specified. | 30 per cent. | 20 per cent. | .. |
| | *II.—Raw materials and produce and articles mainly unmanufactured.* | | | |
| | GUMS AND RESINS. | | | |
| 171 | GUMS, Arabic, Benjamin (ras and cowrie) and Dammer (including unrefined batu) and rosin. | 30 per cent. | .. | 20 per cent. |
| | OILS. | | | |
| 172 | The following NATURAL ESSENTIAL OILS, namely, citronella, cinnamon, and cinnamon leaf. | 30 per cent. | 20 per cent. | 20 per cent. |
| 173 | NATURAL ESSENTIAL OILS, all sorts not otherwise specified. | 30 per cent. | 20 per cent. | .. |
| 174 | ESSENTIAL OILS, synthetic .. | 30 per cent. | 20 per cent. | .. |
| 175 | FISH OIL including whale oil .. | 30 per cent. | 20 per cent. | .. |

| No. | Names of articles. | Standard rate of duty. | PREFERENTIAL RATE OF DUTY IF THE ARTICLE IS THE PRODUCE OR MANUFACTURE OF— The United Kingdom. | A British Colony. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | *II.—Raw materials and produce and articles mainly unmanufactured*—concld. | | | |
| | SEEDS. | | | |
| 176 | OILSEEDS, non-essential, all sorts not otherwise specified, including copra or coconut kernel. | 30 per cent. .. | .. | 20 per cent. |
| | TEXTILE MATERIALS. | | | |
| 177 | SISAL and ALOE fibre .. | 30 per cent. .. | .. | 20 per cent. |
| | WAX. | | | |
| 178 | BEESWAX .. .. .. | 30 per cent. .. | .. | 20 per cent. |
| | MISCELLANEOUS. | | | |
| 179 | IVORY, unmanufactured .. | 30 per cent. .. | .. | 20 per cent. |
| | *III.—Articles wholly or mainly manufactured.* | | | |
| | APPAREL. | | | |
| 180 | APPAREL, including hats, caps, bonnets and hatters' ware, second-hand clothing, drapery and uniforms and accoutrements, excluding articles made of wool, articles made of gold or silver thread or lametta, articles made of silk or silk mixtures or of artificial silk or artificial silk mixtures, uniforms and accoutrements exempted from duty under No. II, and boots and shoes; excluding also waterproofed clothing. | 30 per cent. .. | 20 per cent. .. | 20 per cent. |
| | CHEMICALS, DRUGS AND MEDICINES. | | | |
| 181 | CHEMICALS, DRUGS AND MEDICINES, all sorts not otherwise specified. | 30 per cent. .. | 20 per cent. .. | 20 per cent. |
| | CONVEYANCES. | | | |
| 182 | CARRIAGES AND CARTS which are not mechanically propelled, not otherwise specified, and CYCLES (other than motor cycles) imported entire or in sections and parts and accessories thereof excluding rubber tyres and tubes. | 30 per cent. .. | 20 per cent. .. | .. |
| | CUTLERY, HARDWARE, IMPLEMENTS AND INSTRUMENTS. | | | |
| 183 | CUTLERY, all sorts not otherwise specified. | 30 per cent. .. | 20 per cent. .. | .. |
| 184 | DOMESTIC REFRIGERATORS .. | 30 per cent. .. | 20 per cent. .. | .. |
| 185 | HARDWARE IRONMONGERY AND TOOLS, all sorts not otherwise specified, excluding machine tools and agricultural implements. | 30 per cent. .. | 20 per cent. .. | .. |

| No. | Names of articles. | Standard rate of duty. | PREFERENTIAL RATE OF DUTY IF THE ARTICLE IS THE PRODUCE OR MANUFACTURE OF— The United Kingdom. | A British Colony. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | *III.—Articles wholly or mainly manufactured*—contd. | | | |
| | CUTLERY, HARDWARE, IMPLEMENTS AND INSTRUMENTS—*contd.* | | | |
| 186 | The following ELECTRICAL INSTRUMENTS, APPARATUS AND APPLIANCES, namely :— (*a*) ELECTRICAL CONTROL GEAR AND TRANSMISSION GEAR, namely, switches (excluding switch-boards), fuses and current-breaking devices of all sorts and descriptions, designed for use in circuits of less than ten *amperes* and at a pressure not exceeding 250 volts, and regulators for use with motors designed to consume less than 187 watts ; bare or insulated copper wires and cables, any one core of which, not being one specially designed as a pilot core, has a sectional area of less than one-eightieth part of a square inch, and wires and cables of other metals of not more than equivalent conductivity ; and line insulators, including also cleats, connectors, leading-in tubes and the like, of types and sizes such as are ordinarily used in connection with the transmission of power for other than industrial purposes, and the fitting thereof : (*b*) all other sorts of ELECTRICAL INSTRUMENTS, APPARATUS AND APPLIANCES not otherwise specified, excluding telegraphic and telephonic. | 30 per cent .. | 20 per cent. .. | |
| 187 | INSTRUMENTS, APPARATUS AND APPLIANCES other than electrical, all sorts not otherwise specified, including photographic, scientific, philosophical and surgical. | 30 per cent. .. | 20 per cent. .. | .. |
| | DYES AND COLOURS. | | | |
| 188 | Cutch and gambier, all sorts .. | [illegible] per cent. .. | .. | 20 per cent. |
| 189 | PAINTS, COLOURS AND PAINTER'S MATERIALS, all sorts not otherwise specified, including paints, solutions and compositions containing dangerous petroleum within the meaning of the Indian Petroleum Act, 1899. | 30 per cent. .. | 20 per cent. .. | .. |
| 190 | PLUMBAGO AND GRAPHITE .. | [illegible]0 per cent. .. | .. | 20 per cent. |
| | EARTHENWARE AND PORCELANE. | | | |
| 191 | EARTHENWARE, CHINA AND PORCELAIN, all sorts not otherwise specified. | 30 per cent. .. | 20 per cent. .. | .. |
| | FURNITURE AND CABINETWARE. | | | |
| 192 | FURNITURE AND CABINETWARE of all materials, excluding mouldings. | 30 per cent. .. | 20 per cent. .. | .. |
| | LEATHER. | | | |
| 193 | SKINS, tanned or dressed, unwrought LEATHER, LEATHER CLOTH including artificial leather, and other MANUFACTURES OF LEATHER not otherwise specified. | 30 per cent. .. | 20 per cent. .. | .. |

| No. | Names of articles. | Standard rate of duty. | Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom | A British Colony. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | *III.—Articles wholly or mainly manufactured*—contd. | | | |
| | MACHINERY. | | | |
| 194 | MACHINERY and component parts thereof, meaning machines or parts of machines to be worked by manual or animal labour, not otherwise specified, and any machines (except such as are designed to be used exclusively in industrial processes) which require for their operation less than one-quarter of one brake-horse-power. | 30 per cent. | 20 per cent | .. |
| | METALS—IRON AND STEEL. | | | |
| 195 | All sorts of IRON AND STEEL AND MANUFACTURES thereof not otherwise specified. | 30 per cent | 20 per cent. | .. |
| | METALS OTHER THAN IRON AND STEEL. | | | |
| 196 | METALS and manufactures thereof, namely —<br>(*a*) *Aluminium*—circles, sheets and other manufactures not otherwise specified.<br>(*b*) *Brass, bronze* and similar alloys wrought, and manufactures thereof not otherwise specified.<br>(*c*) *Copper wrought*, and manufactures of copper, all sorts not otherwise specified.<br>(*d*) *German silver*, including nickel silver.<br>(*e*) *Lead wrought*—the following articles, namely, pipes and tubes and sheets other than sheets for tea chests<br>(*f*) *Zinc or spelter wrought* or manufactured not otherwise specified. | 30 per cent. | 20 per cent. | .. |
| | PAPER, PASTEBOARD AND STATIONERY. | | | |
| 197 | PAPER AND ARTICLES MADE OF PAPER AND PAPIER MACHÉ, PASTEBOARD, MILL-BOARD AND CARDBOARD, all sorts other than strawboard, and STATIONERY including drawing and copy books, labels, advertising circulars, sheet or card almanacs and calendars, Christmas, Easter, and other cards, including cards in booklet form, including also waste paper but excluding paper and stationery otherwise specified. | 3 t. | 20 per cent. | .. |
| | YARNS AND TEXTILE FABRICS. | | | |
| 198 | HABERDASHERY AND MILLINERY, all sorts, including lace and embroidery, but excluding towels not in the piece and articles made of wool or of silk or artificial silk or of silk or artificial silk mixtures. | 30 per cent. | 20 per cent. | .. |

| No. | Names of articles. | Standard rate of duty. | Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom. | A British Colony. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | *III.—Articles wholly or mainly manufactured*—concld. | | | |
| | YARNS AND TEXTILE FABRICS—*concld.* | | | |
| 199 | WOOLLEN YARN for weaving and KNITTING WOOL. | 30 per cent. | 20 per cent. | .. |
| | MISCELLANEOUS. | | | |
| 200 | ASBESTOS MANUFACTURES, not otherwise specified. | 30 per cent. | 20 per cent. | |
| 201 | BRUSHES, all sorts .. .. | 30 per cent. | 20 per cent. | .. |
| 202 | BUILDING AND ENGINEERING MATERIALS, all sorts not of iron, steel or wood not otherwise specified, including CEMENT (excluding Portland cement other than white Portland cement), tiles other than glass tiles, and firebricks not being component parts of any article included in No. 59A or No. 63. | 30 per cent. | 20 per cent. | .. |
| 203 | BUTTONS, metal .. .. | 30 per cent. | 20 per cent. | .. |
| 204 | COIR fibre, coir yarn and coir mats and matting. | 30 per cent. | .. | 20 per cent. |
| 205 | CORDAGE, ROPE AND TWINE of vegetable fibre other than jute and cotton, not otherwise specified. | 30 per cent. | 20 per cent. | .. |
| 206 | CORK MANUFACTURES not otherwise specified. | 30 per cent. | 20 per cent. | .. |
| 207 | GLUE, all sorts other than clarified liquid glue. | 30 per cent. | 20 per cent. | .. |
| 208 | OIL CLOTH AND FLOOR CLOTH .. | 30 per cent. | 20 per cent. | .. |
| 209 | PACKING—engine and boiler—all sorts not otherwise specified. | 30 per cent. | 20 per cent. | .. |
| 210 | RUBBER TYRES AND TUBES and other MANUFACTURES OF RUBBER not otherwise specified, excluding apparel and boots and shoes. | 30 per cent. | 20 per cent. | .. |
| 211 | TOILET REQUISITES not otherwise specified. | 30 per cent. | 20 per cent. | .. |
| 212 | UMBRELLAS including parasols and sunshades, and fittings therefor. | 30 per cent. | 20 per cent. | .. |

## PART IX.

Articles which are liable to duty at special rates or to preferential duty at lower rates.

| No. | Names of articles. | Unit or method of assessment. | Standard rate of duty. | Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom. | A British Colony. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | *I—Food, Drink and Tobacco.* | | | | |
| 213 | CONFECTIONERY .. .. | *Ad valorem* | 50 per cent. | 40 per cent. | .. |
| | FISH. | | Rs. A. P. | Rs. A. P. | Rs. A. P. |
| 214 | FISH, salted, dry .. .. | Cwt. | 3 8 0 | .. | 1 8 0 |
| | LIQUORS. | | | | |
| 215 | ALE AND BEER .. .. | In barrels or other containers containing 27 oz. or more, per Imperial gallon. | 1 2 0 | 0 14 0 | .. |
| | | In bottles containing less than 27 oz. but not less than 20 oz. per bottle. | 0 3 0 | 0 2 4 | .. |
| | | In bottles containing less than 13½ oz. but not less than 10 oz. per bottle. | 0 1 6 | 0 1 2 | .. |
| | | In bottles containing less than 6¾ oz. but not less than 5 oz., per bottle. | 0 0 9 | 0 0 7 | .. |
| | | In other containers, per Imperial gallon. | 1 8 0 | 1 2 8 | |
| 216 | SPIRITS— | | | | |
| | (1) Bitters— | | | | |
| | (i) entered in such a manner as to indicate that the strength is not to be tested. | Imperial gallon | 50 0 0 | .. | 45 0 0 |
| | (ii) not so entered .. | Imperial gallon of the strength of London proof | 37 8 0 | .. | 33 12 0 |
| | (2) Drugs and medicines containing spirit— | | | | |
| | (i) entered in such a manner as to indicate that the strength is not to be tested. | Imperial gallon. | 40 0 0 | 36 0 0 | 36 0 0 |
| | (ii) not so entered .. | Imperial gallon of the strength of London proof. | 29 0 0 | 26 0 0 | 26 0 0 |
| | (3) Perfumed spirit .. .. | Imperial gallon. | 60 0 0 | 52 8 0 | .. |
| | (4) Rum .. .. | Imperial gallon of the strength of London proof. | 37 8 0 | .. | 33 12 0 |

| No. | Names of articles. | Unit or method of assessment | Standard rate of duty | Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom. | A British Colony. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | *I.—Food, Drink and Tobacco*—contd. | | | | |
| | LIQUORS—*contd.* | | | | |
| | Provided that— | | | | |
| | (*a*) on any article chargeable under this item with the lower rate of duty, the duty levied shall in no case be less than 20 per cent. *ad valorem*, and on any article chargeable under this item with the higher rate of duty, the duty levied shall in no case be less than 30 per cent. *ad valorem*; | | | | |
| | (*b*) where the unit of assessment is the Imperial gallon of the strength of London proof, the duty shall be increased or reduced in proportion as the strength is greater or less than London proof. | | | | |
| | SPICES. | | | | |
| 217 | The following UNGROUND SPICES, namely :— Cardamoms, cassia, cinnamon, cloves, nutmegs and pepper. | *Ad valorem* | 45 per cent. .. | .. | 37½ per cent. |
| 218 | The following UNGROUND SPICES, namely :— Chillies, ginger and mace .. | *Ad valorem* | 30 per cent. .. | ... | 22½ per cent. |
| | TEA | | | | |
| 219 | TEA .. .. .. | Pound .. | 5 annas .. | .. | 3 annas. |
| | OTHER FOOD AND DRINK. | | | | |
| 220 | COFFEE not otherwise specified .. | *Ad valorem* | 25 per cent., plus one anna per pound. | .. | 25 per cent. |
| | TOBACCO. | | | | |
| 221 | TOBACCO, unmanufactured .. | Pound .. | Rs. 2 .. | .. | Re. 1-8-0. |
| | *II.—Raw materials and produce and articles mainly unmanufactured.* | | | | |
| | OILS. | | | | |
| 222 | MINERAL OIL which has its flashing point at or above two hundred degrees of the Fahrenheit thermometer by Abel's close test and is such as is not ordinarily used for any other purpose than for lubrication. | Imperial gallon. | Two annas and six pies, | Six pies .. | .. |
| 223 | The following VEGETABLE NON-ESSENTIAL OILS, namely, coconut, groundnut and linseed. | *Ad valorem* | 35 per cent. .. | ... | 25 per cent. |
| 224 | VEGETABLE NON-ESSENTIAL OILS not otherwise specified. | *Ad valorem* | 35 per cent. .. | 25 per cent. ... | 25 per cent. |
| | *III.—Articles wholly or mainly manufactured.* | | | | |
| | APPAREL. | | | | |
| 225 | BOOTS AND SHOES composed mainly of leather. | *Ad valorem* | 30 per cent. or 5 annas per pair, whichever is higher. | 20 per cent. or 5 annas per pair, whichever is higher. | ... |

| No. | Names of articles. | Unit or method of assessment. | Standard rate of duty. | Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom. | A British Colony. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | *III.—Articles wholly or mainly manufactured*—contd. | | | | |
| | ARMS, AMMUNITION AND MILITARY STORES. | | | | |
| 226 | CARTRIDGE CASES, filled and empty | *Ad valorem* | 50 per cent. .. | 40 per cent. .. | .. |
| 227 | Subject to the exemptions specified in No. 12—FIREARMS, including gas and air guns, gas and air rifles and gas and air pistols, not otherwise specified, but excluding parts and accessories thereof. | Each .. | Rs. 18-12-0 *plus* 10 per cent. *ad valorem*, or 50 per cent *ad valorem* whichever is higher. | Rs. 18-12-0 or 40 per cent. *ad valorem*, whichever is higher. | .. |
| | CHEMICALS, DRUGS AND MEDICINES. | | | | |
| 228 | The following CHEMICALS, namely, cadmium sulphide, cobalt oxide, selenium, uranium oxide and zinc oxide. | *Ad valorem*.. | 25 per cent. .. | 15 per cent. .. | 15 per cent. |
| | CONVEYANCES. | | | | |
| 229 | MOTOR CARS including taxicabs and articles (other than rubber tyres and tubes) adapted for use as parts and accessories thereof provided that such articles as are ordinarily also used for other purposes than as parts and accessories of motor vehicles included in this item or in Nos. 42A and 231 shall be dutiable at the rate of duty specified for such articles | *Ad valorem*.. | 37½ per cent... | 30 per cent. .. | .. |
| 230 | MOTOR OMNIBUSES; CHASES OF MOTOR OMNIBUSES, MOTOR VANS and MOTOR LORRIES; and parts of mechanically propelled vehicles and accessories not otherwise specified, excluding rubber tyres and tubes and such parts and accessories of motor vehicles included in this item as are also adapted for use as parts and accessories of motor cars. | *Ad valorem*.. | 25 per cent. .. | 17½ per cent. .. | .. |
| | CUTLERY, HARDWARE, IMPLEMENTS AND INSTRUMENTS. | | | | |
| 231 | CUTLERY PLATED with gold or silver. | *Ad valorem*.. | 50 per cent. .. | 40 per cent. .. | .. |
| 232 | ELECTRIC LIGHTING BULBS .. | *Ad valorem*.. | 50 per cent. .. | 40 per cent. .. | .. |
| 233 | MUSICAL INSTRUMENTS and parts thereof, all sorts not otherwise specified. | *Ad valorem*.. | 50 per cent. .. | 40 per cent. .. | .. |
| 234 | WIRELESS RECEPTION INSTRUMENTS AND APPARATUS and component parts thereof, including all electric valves, amplifiers and loud speakers which are not specially designed for purposes other than wireless reception or are not original parts of and imported along with instruments or apparatus so designed. | *Ad valorem*.. | 50 per cent. .. | 40 per cent. .. | .. |
| | METALS—IRON AND STEEL. | | | | |
| 235 | IRON ALLOYS.<br>" angle, channel and tee not otherwise specified.<br>" bar and rod not otherwise specified.<br>" pig.<br>" rice bowls, | *Ad valorem*.. | 20 per cent. .. | 10 per cent. .. | .. |

| No. | Names of articles. | Unit or method of assessment. | Standard rate of duty. | Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom. | A British Colony. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | *III.—Articles wholly or mainly manufactured*—contd. | | | | |
| | METALS—IRON AND STEEL—*concld.* | | | | |
| 236 | Iron or steel ANCHORS AND CABLES.<br>" " hoops and strips.<br>" " nails and washers, all sorts not otherwise specified.<br>" " pipes and tubes; also fittings therefor, that is to say, bends, boots, elbows, tees, sockets, flanges plugs, valves, cocks and the like, excluding pipes, tubes and fittings therefor otherwise specified.<br>Iron or steel RAILWAY TRACK MATERIALS not otherwise specified, including bearing plates, cast iron sleepers and lever boxes.<br>Iron or steel TRAMWAY TRACK MATERIALS not otherwise specified, including rails, fishplates, tie-bars, switches crossings and the like materials of shapes and sizes specially adapted for tramway tracks.<br>Iron or steel SHEETS (including cuttings, discs and circles) under 1/8 inch thick, whether fabricated or not, if coated with metals other than tin or zinc.<br>Iron or steel PLATES AND SHEETS (including cuttings, discs and circles) not under 1/8 inch thick not otherwise specified, whether fabricated or not.<br>Iron or steel BARBED OR STRANDED FENCING WIRE AND WIRE ROPE.<br>Iron or steel (other than bar or rod) specially designed for the reinforcement of concrete.<br>" EXPANDED METAL. | *Ad valorem* | 20 per cent. | 10 per cent. | ... |
| 237 | STEEL, angle and tee if galvanized, tinned or lead-coated.<br>" (other than bars), alloys, crucibles, shear, blister and tub.<br>" (other than bars) made for springs and cutting tools by any process.<br>" ingots, blooms and billets and slabs of a thickness of $1\frac{1}{2}$ inches or more.<br>" bar and rod, the following kinds—<br>(*a*) shapes specially designed for the reinforcement of concrete, if the smallest dimension is under $\frac{1}{2}$ inch ;<br>(*b*) all shapes and sizes, if—<br>(*i*) of alloy, crucible, shear, blister or tub steel, or<br>(*ii*) galvanized or coated with other metals, or<br>(*iii*) planished or polished, including bright steel shafting ;<br>(*c*) other qualities, if of any of the following shapes and sizes—<br>(*i*) rounds not over 7/16 inch diameter.<br>(*ii*) squares not over 7/16 inch side,<br>(*iii*) flats, if under 1 inch wide and not over 1/8 inch thick,<br>(*iv*) flats, not under 8 inches wide and not over $\frac{1}{2}$ inch thick,<br>(*v*) ovals, if the dimension of the major axis is not less than twice that of the minor axis,<br>(*vi*) all other shapes, any size. | *Ad valorem* | 20 per cent. | 10 per cent. | ... |

| No. | Names of articles. | Unit or method of assessment. | Standard rate of duty. | PREFERENTIAL RATE OF DUTY IF THE ARTICLE IS THE PRODUCE OR MANUFACTURE OF— The United Kingdom. | A British Colony. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | *III.—Articles wholly or mainly manufactured*—concld. | | | | |
| | TEXTILE FABRICS. | | | | |
| 238 | WOOLLEN carpets, floor rugs, hosiery, piece-goods, shawls and other manufactures of WOOL not otherwise specified, including felt. | *Ad valorem* | 35 per cent. .. | 25 per cent. .. | .. |
| | MISCELLANEOUS. | | | | |
| 239 | ASPHALT .. .. .. | *Ad valorem* | 25 per cent. .. | .. | 15 per cent. |
| 240 | CINEMATOGRAPH FILMS not exposed | *Ad valorem* | 25 per cent. .. | 15 per cent. .. | .. |
| 241 | PORTLAND CEMENT excluding white Portland cement. | Ton .. | Rs. 18-4-0 | Rs. 13-12-0 | .. |
| 242 | SOAP, toilet .. .. | *Ad valorem* | 35 per cent. .. | 25 per cent. .. | .. |
| 243 | SMOKERS' REQUISITES excluding tobacco and matches. | *Ad valorem* | 50 per cent. .. | 40 per cent. .. | .. |
| 244 | TOYS games, playing cards and requisites for games and sports, bird shot, toy cannons, air guns and air pistols for the time being excluded in any part of British India from the operation of all the prohibitions and directions contained in the Indian Arms Act, 1878, and bows and arrows. | *Ad valorem* | 50 per cent. .. | 40 per cent. .. | .. |
| | MISCELLANEOUS AND UNCLASSIFIED. | | | | |
| 245 | BETELNUTS .. .. .. | *Ad valorem* | 45 per cent. .. | .. | 37½ per cent. |

D. G. MITCHELL,

Offg. Secretary to the Government of India.

1596 CS—607—13-1-33—SGPP Lahore.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

### Published by Authority

LAHORE, FRIDAY, FEBRUARY 10, 1933.

## PART IV.

### Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under rule 18 of the Indian Legislative Rules.

GOVERNMENT OF INDIA.

**LEGISLATIVE ASSEMBLY DEPARTMENT.**

The following Bill was introduced in the Legislative Assembly on the 1st February 1933 :—

L. A. BILL No. 1 OF 1933.

*A Bill further to amend the Indian Marine Act, 1887, for a certain purpose.*

WHEREAS it is expedient further to amend the Indian Marine Act, 1887, for the purpose hereinafter appearing ; It is hereby enacted as follows :— (XIV of 1887.)

Short title.

1. This Act may be called the Indian Marine (Amendment) Act, 1933.

Amendment of section 2, Act XIV of 1887.

2. In sub-section (1) of section 2 of the Indian Marine Act, 1887— (XIV of 1887.)

(a) in clause (a), after the word "means," the brackets and figure "(i)" shall be inserted, and after the words "provided by this Act;", the following word and sub-clause shall be added, namely :—

"and

(ii) a member of the Royal Indian Marine Volunteer Reserve during and in respect of the time when he is serving in the Indian Marine Service, whether for training or exercise or having been called up for any duty or service for which as a member of such Reserve he is liable ;" and

(b) to clause (b) the following words shall be added, namely :—

" and includes a person holding any such position in the Royal Indian Marine Volunteer Reserve during and in respect of the time when he is serving in the Indian Marine Service;".

## STATEMENT OF OBJECTS AND REASONS.

In order to provide an opportunity for Marine service on a voluntary basis for those persons in India who are interested in nautical pursuits, and, at the same time, to constitute a potential reserve of officers for use in emergencies, when the Officer strength of the Royal Indian Marine will require expansion, it is proposed to raise and organise a small Royal Indian Marine Volunteer Reserve, on much the same lines as the Army in India Reserve of Officers on the military side. The reserve will be open to Europeans, Indians and members of the domiciled community; and membership of it will entail a brief period of annual training in one of His Majesty's Indian ships, besides a certain amount of instruction on shore.

It is necessary that the members of this reserve force should be subject, when under training or when called to service, to the same disciplinary code as the members of the Royal Indian Marine. This entails a small amendment of the Indian Marine Act, 1887, on the lines of the provision already contained in the Army Act to provide for the discipline of the Army reserves in similar circumstances.

The Bill contains the amendments to the Indian Marine Act which are necessary to secure this object.

G. R. F. TOTTENHAM.

NEW DELHI;
The 19th January, 1933.

S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 1st February, 1933:—

L. A. BILL No. 2 OF 1933.

*A Bill further to amend the Indian Forest Act, 1927, for a certain purpose.*

WHEREAS it is expedient further to amend the Indian Forest Act, 1927, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.
1. This Act may be called the Indian Forest (Amendment) Act, 1933.

Amendment of Section 2, Act XVI of 1927.
2. After clause (4) of section 2 of the Indian Forest Act, 1927, the following clause shall be inserted, namely:— XVI of 1927.

"(4A) 'owner' includes a Court of wards in respect of property under the superintendence or charge of such Court;".

## STATEMENT OF OBJECTS AND REASONS.

Under section 38 of the Indian Forest Act (Act XVI of 1927) the owner of any private forest is allowed to represent his desire that certain sections of the Act be made applicable to his forest or that it should be managed by the expert agency of the Forest Department of Government as a reserved or protected forest on such terms as may be mutually agreed upon. The Court of Wards, however, cannot take advantage of this provision as it is not considered an "owner" of the land or forest of which it is in charge as a trustee, and recent experience has shown that the result has been harmful to trust property. It is, therefore, imperative that the Court of Wards should be vested, for the purposes of that section, with the powers of an owner. There are also other sections in the Act applicable to owners which, it has been decided, should be made applicable to a Court of Wards. The Bill is intended to achieve this object.

NEW DELHI;
The 5th January, 1933.

G. S. BAJPAI.

S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 1st February, 1933:—

L. A. BILL No. 3 OF 1933.

*A Bill further to amend the Indian Railways Act, 1890, for a certain purpose.*

WHEREAS it is expedient further to amend the Indian Railways Act, 1890, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.
1. This Act may be called the Indian Railways (Amendment) Act, 1933.

Amendment of section 108, Act IX of 1890.
2. Section 108 of the Indian Railways Act, 1890 (hereinafter referred to as the said Act), shall be renumbered as sub-section (1) of section 108, IX of 1890.

and to that section as so renumbered the following sub-section shall be added, namely :—

"(2) If a passenger so makes use of or so interferes with such means of communication with the intention of obstructing traffic, he shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both."

Amendment of section 131 Act IX of 1890

**3.** In sub-section (*1*) of section 131 of the said Act, after the figures "101," the figures, word and brackets "108, sub-section (2)," shall be inserted.

## STATEMENT OF OBJECTS AND REASONS.

Numerous cases have recently occurred of misuse of the means of communication between passengers and the railway servants in charge of a train for the purpose of paralysing the train service. Although section 128 of the Indian Railways Act, 1890, provides for the punishment of an unlawful act committed in order to obstruct rolling-stock upon a railway, it has been held by certain Courts that obstruction by misuse of the alarm chain is not covered by section 128, in view of the specific provision contained in section 108. Section 108, however, does not provide a punishment adequately deterrent for the aggravated case in which the alarm chain is pulled wilfully with the intention of disorganizing railway traffic.

2. It is proposed, therefore, by amending sections 108 and 131 (*1*) of the Indian Railways Act, 1890, to provide for punishment if a passenger pulls the alarm chain with the intention of obstructing traffic, by imprisonment for a term which may extend to six months or with fine, or with both, and also to provide for persons who pull the alarm chain with the intention of obstructing traffic being arrested without warrant or other written authority by any railway servant or police officer or by any other person whom such a person or officer may call to his aid.

NEW DELHI :
*The 22nd November, 1932.*

J. W. BHORE.

S. C. GUPTA,
Secy. to the Govt. of India.

The following Bill was introduced in the Legislative Assembly on the 1st February, 1933 :—

L. A. BILL NO. 4 OF 1933.

*A Bill to amend certain enactments and to repeal certain other enactments.*

WHEREAS it is expedient that certain amendments should be made in the enactments specified in the First Schedule;

AND WHEREAS it is also expedient that the enactments specified in the Second Schedule which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;

It is hereby enacted as follows :—

Short title.

**1.** This Act may be called the Repealing and Amending Act, 1933.

Amendment of certain enactments.

**2.** The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Repeal of certain enactments.

**3.** The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Savings.

**4.** The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to; and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand or any indemnity already granted or the proof of any passed act or thing; nor shall this Act, affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

## THE FIRST SCHEDULE

AMENDMENTS.

(*See* section 2.)

| Year. | No. | Short title. | Amendments |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| | | *Acts of the Governor-General in Council.* | |
| 1886 | VI | The Births, Deaths and Marriages Registration Act, 1886. | In section 35-A, after sub-section (*1*) the following sub-section shall be added namely :— "(2) If more Commissions than one are appointed in exercise of the power conferred by sub-section (*1*) then references in this Act to the Commissioners shall be construed as references to the members constituting a Commission so appointed." |
| 1889 | II | The Measures of Length Act, 1889. | In section 7 the words and figures " by the Commissioners in Calcutta under section 370 of the Calcutta Municipal Consolidation Act, 1888," shall be omitted. |
| 1898 | V | The Code of Criminal Procedure, 1898. | In item (1*a*) of Part V of Schedule III, for the figures and letter "29 A" the figures and letter "29 B" shall be substituted. |
| | | *Acts of the Indian Legislature.* | |
| 1923 | XXI | The Indian Merchant Shipping Act, 1923. | In section 79 for the word "and" the word "or" shall be substituted. In sub-section (*3*) of section 259, for the word "its" the word "his" shall be substituted. |
| 1924 | II | The Cantonments Act, 1924. | In sub-section (*1*) of section 79, after the word "building," where it occurs for the second time, the word "tenements" shall be inserted. In sub-section (*1*) of section 210, clauses (*j*)—(*r*) shall be re-lettered (*i*)—(*q*). |
| 1930 | I | The Provident Funds (Amendment) Act, 1929. | In section 1 for the figures "1929" the figures "1930" shall be substituted. |
| 1930 | II | The Dangerous Drugs Act, 1930. | In Schedule II, in the amendments relating to the Bombay Abkari Act, 1878 the words, brackets and figures "In sub-section (*1*) of section 32, the proviso shall be omitted" shall be omitted. |
| 1932 | XXIII | The Criminal Law Amendment Act, 1932. | In section 13, in sub-sections (*6*) and (*8*) of the new section 17E to be inserted in the Indian Criminal Law Amendment Act, 1908, for the word, brackets and figure "sub-section (*3*)" the word, brackets and figure "sub-section (*5*)" shall be substituted. |

## THE SECOND SCHEDULE.

REPEALS.

(*See* section 3.)

| Year. | No. | Short title. | Extent of repeal. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| | | *Acts of the Governor-General in Council.* | |
| 1887 | XIV | The Indian Marine Act, 1887. | In sub-section (*5*) of section 53, the words, figure and brackets "except as permitted by the proviso to sub-section (*1*)." In section 55, the proviso. |
| 1902 | I | The Indian Steam-ships (Amending and Validating) Act, 1902. | So much as has not been repealed. |
| | | *Act of the Indian Legislature.* | |
| 1930 | VIII | The Repealing and Amending Act, 1930. | Sections 3 and 4 and the Second Schedule. |
| | | *Regulation.* | |
| 1927 | I | The Aden Laws (Amendment) Regulation, 1927. | The whole. |
| | | *Act of the Governor of Bombay in Council.* | |
| 1878 | V | The Bombay Abkari Act, 1878. | In sub-section (*1*), section 43, the proviso. |

## STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to make some necessary amendments of a formal nature in certain enactments and to repeal certain spent or useless matter in the Statute-book.

The reasons for the proposed amendment and repeals are explained as follows:—

(*1*) *The Births, Deaths and Marriages Registration Act, 1886.*—Section 35 A, which contained two

sub-sections, was inserted by section 2 of Act XVI of 1890. The Devolution Act, 1920, substituted a new sub-section for sub-section (*1*) and repealed section 2 of the Act of 1890. The repeal of this section has had the effect of repealing by implication sub-section (*2*) of section 35-A. This was not intended. The amendment restores sub-section ( ).

(2) *The Measures of Length Act, 1889*.—This is a formal amendment. The Municipal Act of 1888 has been repealed and the extant Act of 1923 does not continue the provisions referred to in the words repealed.

(3) *The Code of Criminal Procedure, 1898*.—Intended to correct an obvious error.

(4) *The Indian Merchant Shipping Act, 1923*.—The changes correct grammatical errors.

(5) *The Cantonments Act, 1924*.—The amendments are intended to supply an accidental omission and to correct wrong lettering.

(6) *The Provident Funds (Amendment) Act, 1929*.—This amendment is purely formal and sets right and obvious error.

(7) *The Bombay Abkari Act, 1878, and the Dangerous Drugs Act, 1930*.—The amendments are designed to correct a mistake made in the latter Act.

(8) *The Criminal Law Amendment Act, 1932*.—This is a formal amendment to correct a clerical error.

(9) *The Indian Marine Act, 1887*.—These amendments are consequential on the disappearance of the proviso to sub-section (*1*) of section 58 of the Act.

(10) *The Indian Steam-ships (Amending and Validating) Act, 1902*.—The surviving portions of the Act are spent.

(11) *The Repealing and Amending Act, 1930*.—The repealing provisions of this Act are themselves repealed according to current practice in order to abbreviate the Statute-book.

(12) *The Aden Laws (Amendment) Regulation, 1927*.—This Regulation is no longer operative as the principal Regulation which it amended has been repealed.

NEW DELHI,
*The 26th January, 1933.*

B. L. MITTER.

S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 1st February, 1933:—

L. A. BILL NO. 5 OF 1933.

*A Bill to regulate the possession of wireless telegraphy apparatus.*

WHEREAS it is expedient to regulate the possession of wireless telegraphy apparatus in British India; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Wireless Telegraphy Act, 1933.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall come into force on such date as the Governor-General in Council may, by notification in the *Gazette of India*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "wireless communication" means the making, transmitting or receiving of telegraphic, telephonic or other communications by means of electricity or magnetism without the use of wires or other continuous electrical conductors between the transmitting and the receiving apparatus;

(*2*) "Wireless telegraphy apparatus" means any apparatus, appliance, instrument or material used or capable of use in wireless communication, and includes any article determined by rule made under section 9 to be wireless telegraphy appratus, but does not include any such apparatus, appliance, instrument or material commonly used for other electrical purposes, unless it has been specially designed or adapted for wireless communication or forms part of some apparatus, appliance, instrument or material specially so designed or adapted, nor any article determined by rule made under section 9 not to be wireless telegraphy apparatus; and

(*3*) "prescribed" means prescribed by rules made under section 9.

Prohibition of possession of wireless telegraphy apparatus without license.

3. Save as provided by section 4, no person shall possess wireless telegraphy apparatus except under and in accordance with a license issued under this Act.

Power of Governor General in Council to exempt persons from provisions of the Act.

4. The Governor General in Council may by rules made under this Act exempt any person or any class of persons from the provisions of this Act either generally or subject to prescribed conditions, or in respect of specified wireless telegraphy apparatus.

Licenses.

I of 1885. 5. The telegraph authority constituted under the Indian Telegraph Act, 1885, shall be the authority competent to issue licenses to possess wireless telegraphy apparatus under this Act, and may issue licenses in such manner, on such conditions and subject to such payments as may be prescribed.

Offence and penalty.

6. (*1*) Whoever possesses any wireless telegraphy apparatus in contravention of the provisions of section 3 shall be punished, in the case of the first offence, with fine which may extend to two hundred rupees, and, in the case of a second or subsequent offence, with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(*2*) For the purposes of this section a Court may presume that a person possesses wireless telegraphy apparatus if such apparatus is under his ostensible charge, or is located in any premises or place over which he has effective control.

(*3*) In the trial of an offence under this section, whether the accused is convicted or acquitted, the Court shall decide whether any apparatus in respect of which an offence has been committed should be confiscated, and, if it so decides, may order confiscation accordingly.

(*4*) The Court inflicting a fine as punishment for any offence under this section may direct that the amount of the fine or any part of it shall be paid to the prescribed authority to be utilised for the benefit of the Indian State Broadcasting Service.

Power of search.

7. (*1*) A Presidency Magistrate, or a Magistrate of the first class or a Magistrate of the second class specially empowered by the Local Government in this behalf, may issue a warrant for the search, whether by day or by night, of any building, vessel or place in which he has reason to believe that any wireless telegraphy apparatus, in respect of which an offence punishable under section 6 has been committed, is kept or concealed.

(*2*) The officer to whom a search warrant under sub-section (*1*) is addressed may enter into any building, vessel or place mentioned in the warrant and seize any wireless telegraphy apparatus in respect of which he has reason to believe an offence under section 6 has been committed.

Apparatus confiscated or having no owner to be property of Governor General in Council.

8. All wireless telegraphy apparatus confiscated under the provisions of sub-section (*3*) of section 6, and all wireless telegraphy apparatus having no ostensible owner shall be the property of the Governor General in Council.

Power of Governor General in Council to make rules.

9. (*1*) The Governor General in Council may, by notification in the *Gazette of India*, make rules for the purpose of carrying into effect the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*i*) determining that any article or class of article shall be or shall not be wireless telegraphy apparatus for the purposes of this Act ;

(*ii*) the exemption of persons or classes of persons under section 4 from the provisions of this Act ;

(*iii*) the manner of and the conditions governing the issue, renewal, suspension and cancellation of licenses, the form of licenses, and the payments to be made for the issue and renewal of licenses ;

(*iv*) the maintenance of records containing details of the acquisition and disposal by sale or otherwise of wireless telegraphy apparatus possessed by dealers in wireless telegraphy apparatus ; and

(*v*) determining the authority referred to in sub-section (*4*) of section 6.

(*3*) In making a rule under this section the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to one hundred rupees.

Saving of Indian Telegraph Act, 1885.

10. Nothing in this Act contained shall authorise the doing of anything prohibited under the Indian Telegraph Act, 1885, and no license issued under this Act shall authorise any person to do anything for the doing of which a license or permission under the Indian Telegraph Act, 1885, is necessary. XIII

## STATEMENT OF OBJECTS AND REASONS.

An important source of revenue to the Indian State Broadcasting Service is the fees on licenses for wireless apparatus. These licenses are issued under the Indian Telegraph Act which, however, only gives power to control establishment, maintenance and working of such apparatus in British India. The detection of unlicensed apparatus and the successful prosecution of offenders is therefore difficult in practice as it is first necessary to locate unlicensed apparatus and then to prove that it has actually been established, maintained and worked. It is believed that the revenue lost at present owing to the use of unlicensed wireless apparatus is considerable, thus adversely affecting the financial position of the Indian State Broadcasting Service. It is now proposed to remedy this state of affairs by legislation to prohibit the possession without license of wireless apparatus as distinct from the establishment, maintenance and working of such apparatus, and the present Bill has been drafted with this object.

NEW DELHI :

The 20th January, 1933.

F. NOYCE.

## NOTES ON CLAUSES.

*Clause 2.*—The definition of "wireless telegraphy apparatus" provides for the inclusion in that term of articles specifically declared by rule to be wireless telegraphy apparatus.

*Clause 3* prohibits the possession without license of wireless telegraphy apparatus. The Indian Telegraph Act, 1885, controls only the establishment, maintenance and working of telegraphs, but does not restrict or control mere possession of apparatus, or penalize such possession, without license unless it can be shown that the apparatus is used.

*Clause 4* enables the Governor General in Council to permit in proper cases, for instance for research purposes, the possession without license of wireless telegraphy apparatus, and will enable certain persons already holding licenses under the Indian Telegraph Act, 1885, to be exempted from the provisions of the Act.

*Clause 5* makes the Director-General of Posts and Telegraphs or an officer empowered by him the licensing authority.

*Clause 6* penalizes possession without license, and provides for the confiscation of apparatus in respect of which an offence is committed.

*Clause 7* provides the power of search necessary for the enforcement of the Act.

*Clause 8* supplements the provision for confiscation contained in clause 6, and provides that apparatus having no ostensible owner shall be the property of Government.

*Clause 9* contains the necessary rule-making power.

*Clause 10* saves the provisions of the Indian Telegraph Act, 1885, from the operation of the Act.

S. C. GUPTA,
Secy. to the Govt. of India.

The following Bill was introduced in the Legislative Assembly on the 1st February, 1933 :—

L. A. BILL No. 6 OF 1933.

*A Bill to regulate the payment of wages to certain classes of persons employed in industry.*

WHEREAS it is expedient to regulate the payment of wages to certain classes of persons employed in industry ; It is hereby enacted as follows :—

Short title, extent and application.

1. (*1*) This Act may be called the Payment of Wages Act, 1933.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) The whole of the Act applies in the first instance to the payment of wages to persons employed in any factory, and the whole of the Act except section 3 applies in the first instance to the payment of wages to persons (not being persons employed in a factory) employed upon any railway by a railway administration or by a person fulfilling a contract with a railway administration.

(*4*) The Local Government in any province may, after giving three months' notice of its intention of so doing, by notification in the local official Gazette, apply the provisions of the Act or any of them, subject to such relaxations as may be specified in the notification, to the payment of wages to any class of persons employed in any industrial establishment.

(*5*) Nothing in this Act contained shall apply to the payment of wages to any person whose wages by whatever wage-periods paid amount to one hundred rupees a month or more.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

I of 1911.

(i) "factory" means a factory as defined in sub-clause (a) of clause (3) of section 2 of the Indian Factories Act, 1911;

(ii) "prescribed" means prescribed by rules made under this Act; and

(iii) "wages" means all monies contracted to be paid to a person as remuneration for work done in his employment, but does not include—

(a) any contribution paid by the employer to any pension fund or provident fund;

(b) travelling allowance or the value of any travelling concession;

(c) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(d) any gratuity payable on discharge.

Payment of wages.

3. (1) Whereby the terms of employment or by any contract epres s or implied wages are payable to a person at the end of fixed periods (in this Act referred to as wage-periods), such wages shall be paid before the expiry of the seventh day from the last day of the wage-period in which the wages have been earned, unless the seventh day is a non-working day, in which case the wages shall be paid on the first working day subsequent to such non-working day.

(2) Where the employment of any person is terminated by or on behalf of the employer, the wages due to him shall be paid before the expiry of the second day from the day on which his employment terminated.

Deductions which may be made from wages.

IX of 1890.

4. (1) Notwithstanding the provisions of sub-section (2) of section 47 of the Indian Railways Act, 1890, or of any other law for the time being in force, the wages due to an employed person shall be paid to him without deductions of any kind except those authorized by this Act.

(2) Deductions from the wages of an employed person shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely :—

(a) deductions by way of fine;

(b) deductions for damage or loss attributable to his neglet or default;

(c) deductions in respect of housing accommodation, tools or raw material supplied by the employer; and

(d) deductions in respect of such other services supplied by the employer as the Local Government or the prescribed authority may by general or special order authorize.

Deductions by way of fine.

5. (1) No deduction by way of fine shall be made from the wages of any employed person, unless a notice has been exhibited in the prescribed manner on the premises in which he is employed specifying the acts or omissions on the part of an employed person for which a fine may be imposed, nor otherwise than in accordance with such notice.

(2) The total amount which may be deducted by way of fine from the wages of an employed person shall not exceed in any one month an amount equal to half-an-anna in the rupee of his wages for that month.

(3) No deduction by way of fine shall be made from the wages of any employed person who is under the age of fifteen years.

(4) Where the recovery of a sum deducted by way of fine is made in instalments, the instalments shall not be more than two, and shall not extend beyond the wage-period following that in which the fine was imposed.

(5) All deductions by way of fine and all realizations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed; and the proceeds of all such deductions shall be expended only on such purposes beneficial to the persons employed in the factory or establishment as are approved by the prescribed authority.

Deductions for damage or loss.

6. A deduction under clause (b) of sub-section (2) of section 4 shall not exceed the amount of the loss caused to the employer by the neglect or default of the employed person, or where the damage or loss is to an article manufactured for sale, the wholesale price of that article.

Deductions for services rendered.

7. A deduction under clause (c) or clause (d) of sub-section (2) of section 4 shall not be made from the wages of an employed person, unless the housing accommodation, tool, raw material or other service has been voluntarily accepted by him, and such deduction shall not exceed an amount equivalent to the value of the service rendered.

Rule-making power.

8. (1) The Local Government may, by notification in the local official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) require the maintenance of such records and returns as are necessary for the enforcement of the Act, and prescribe the form thereof;

(*b*) prescribe the authority competent to authorize deductions for services under clause (*d*) of sub-section (*2*) of section 4;

(*c*) prescribe the manner in which the notice under sub-section (*1*) of section 5 of acts or omissions for which fines may be imposed shall be given;

(*d*) prescribe the form of the register of deductions from wages referred to in sub-section (5) of section 5, and the authority competent to approve of the purposes on which the proceeds of fines shall be expended; and

(*e*) prescribe the manner of giving notice of the days on which wages will be paid.

Inspectors.

**9.** (*1*) The Local Government may, by notification in the local official Gazette, appoint such persons as it thinks fit to be inspectors for the purposes of this Act, and may define the local limits within which they shall exercise their functions.

(*2*) An inspector of factories appointed under sub-section (*1*) of section 4 of the
of 1911. Indian Factories Act, 1911, shall be an inspector for the purposes of this Act in respect of all factories within the local limits assigned to him.

(*3*) A Supervisor of Railway Labour appointed under sub-section (*1*) of section 71G
of 1890. of the Indian Railways Act, 1890, shall be an inspector for the purposes of this Act in respect of all persons to whom this Act applies employed upon a railway.

(*4*) An inspector may enter on any premises, and make such examination of any prescribed register, and take on the spot or otherwise such evidence of any person, and exercise such other powers of inspection, as he may deem necessary for carrying out the purposes of this Act.

(*5*) Every inspector shall be deemed to be a public servant within the meaning of the
of 1860 Indian Penal Code.

Claims arising out of deductions from wages or delay in payment of wages.

**10.** (*1*) The Local Government may appoint a Magistrate or other person as the authority to hear and decide in any area assigned to him by the Local Government all claims arising out of deductions from the wages or delay in the payment of the wages of employed persons.

(*2*) Where contrary to the provisions of this Act any deduction has been made from the wages of an employed person, or any payment of wages has been delayed, such person himself, or any officer having powers of inspection under this Act, or any person acting on behalf of such person, may prefer a claim to the authority appointed under sub-section (*1*) for a direction under this section.

(*3*) When any claim under sub-section (*2*) is preferred, the authority shall hear the aggrieved party and the employer and may, without prejudice to any other penalty to which the employer is liable under this Act, direct the refund to the employed person of the amount deducted, or the payment of the delayed wages, together with the payment in either case of such compensation not exceeding ten times the amount of the sum wrongfully withheld as the authority may think fit:

Provided that no direction for the payment of compensation shall be made in the case of delayed wages, if the authority is satisfied that the delay was due to failure by the employed person to apply for payment.

(*4*) Any amount so awarded may be recovered in the manner provided in Code of
Criminal Procedure, 1898, for the recovery V of 1898.
of fines.

Penalty for offences under the Act.

**11.** (*1*) Whoever being responsible for the payment of wages to an employed person contravenes any of the provisions of section 3, section 4, section 5, section 6 or section 7, shall be punished with fine which may extend to five hundred rupees.

(*2*) Whoever contravenes any provision of any rule made under section 8 shall be punished with fine which may extend to one hundred rupees.

Procedure in trial of offences.

**12.** (*1*) No Court shall take cognizance of a complaint against any person for an offence under sub-section (*1*) of section 11, unless a claim in respect of the facts constituting the offence has been successfully preferred under section 10, and the authority empowered under that section has sanctioned the making of the complaint.

(*2*) Before sanctioning the making of a complaint against any person for an offence under sub-section (*1*) of section 11 the authority empowered under section 10 shall give such person an opportunity of showing cause against the granting of such sanction, and the sanction shall not be granted if such person satisfies the authority that his default was due to a *bonâ fide* error or dispute as to the amount payable to the worker, or to a failure by the employed person to apply for payment.

(*3*) No Court shall take cognizance of an offence under sub-section (*2*) of section 11 except on a complaint made by or with the sanction of an officer exercising powers of inspection under section 9.

(*4*) In sentencing any person to fine for an offence under sub-section (*1*) of section 11 the Court shall take into consideration the amount of any compensation already awarded against the accused in any proceedings taken under section 10.

**13.** No Court shall entertain any suit for the recovery of wages or of any deduction from wages, if such suit raises a question substantially identical with a question which has been decided in a claim preferred under section 10.

Bar of suits.

**14.** Any contract or agreement, whether made before or after the commencement of this Act, whereby an employed person relinquishes any right conferred by this Act, shall be null and void in so far as it purports to deprive him of such right.

Contracting out.

**15.** The powers by this Act conferred upon the Local Government shall be exercised by the Governor General in Council in any case in which the exercise of such powers affects any persons (not being persons employed in a factory) employed upon a railway.

Powers to be exercised by Governor General in Council in certain cases.

## STATEMENT OF OBJECTS AND REASONS.

In 1926, the Government of India addressed Local Governments with a view to ascertain the position with regard to the delays which occurred in the payment of wages to persons employed in industry and the practice of imposing fines on them. The investigations revealed the existence of abuses in both directions and the material collected was placed before the Royal Commission on Labour which was appointed in 1929. The Commission collected further evidence on the subject and the results of their examination with their recommendations on these questions will be found on pages 216—221 and 236—241 of their Report. The Government of India have since re-examined the subject in the light of the Commission's Report and the Bill embodies the conclusions now reached. The principal provisions are explained in the subjoined Notes on Clauses.

NEW DELHI:

*The 30th January, 1933.*

F. NOYCE.

## NOTES ON CLAUSES.

*Clause 1.*—The Bill applies only to wages payable to persons receiving less than Rs. 100 monthly. The provisions relating to prompt payment of wages are applicable in the first instance only to factory employees and the provisions relating to deductions are intended for application in the first instance to factory employees and railway workers. But it is proposed to give power to Local Governments to extend any or all of the provisions of the Act to other industrial establishments.

*Clause 3.*—This is designed to secure that wages shall ordinarily be paid within seven days of the expiry of the period within which they were earned. But it is proposed to reduce this period to two days when an employee is discharged.

*Clause 4.*—It is intended that the possible deductions from wages should be of three kinds only, *viz.*—

(1) deductions by way of fines,

(2) deductions for damage or loss,

(3) deductions for services.

*Clause 5.*—It is proposed that fines may be imposed only on adults, that they should be strictly limited in amount and that they shall not be recoverable in more than two instalments or after an undue delay.

*Clause 6.*—In the case of deductions for damage or loss, the amount is limited to the actual loss or in the case of a manufactured article to the wholesale price of that article.

*Clause 7.*—Deductions for services are limited to certain services specified in clause 4 (2) (*c*) and to others which may be prescribed by authority, and provision is here made for limiting the amount of the deduction to the value of the service rendered.

*Clause 10.*—It is proposed that claims on account of either deductions or delay should ordinarily be enforced, if necessary, by non-criminal proceedings before a Magistrate or other officer, who will have the power to direct a refund together with the payment of compensation.

*Clauses 11 and 12.*—It is proposed that persons contravening the provisions of the Act should be liable to prosecution but that prosecutions should only be maintainable after a successful claim for a refund has been preferred and with the sanction of the authority granting the refund. Similarly, it is intended that prosecutions for infringement of the rules should require the sanction of an inspecting officer.

S. C. GUPTA,

Secy. to the Govt. of India.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, FEBRUARY 24, 1933.

## PART IV.

**Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

GOVERNMENT OF INDIA.

**LEGISLATIVE ASSEMBLY DEPARTMENT.**

The following Report of the Select Committee on the Bill to regulate the activities of persons in British India who offier to assist Muslim pilgrims to the Hedjaz was presented to the Legislative Assembly on the 6th February, 1933:—

We, the undersigned, Members of the Select Committee to which the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. *Short title and preamble.*—We have amended the short title in conformity with our decision to change the word "*muallim*" wherever it appears in the Bill to the expression "pilgrim guide". Our reason for making this change is that the word "muallim" is employed in other senses than the restricted one in which it was used in this Bill.

*Clause 2, sub-clause (a).*—We have considered it necessary to extend the definition of "pilgrim" to cover persons who have not yet actually started on the journey to the place of pilgrimage in view of the provisions of clause 6 of the Bill which may apply to overtures made to a person intending to proceed on a pilgrimage before such person has actually reached the stage which might be described as proceeding on a pilgrimage.

*Sub-clause (b).*—We have amended the definition of "pilgrim guide" with the object both of making it more comprehensive and of excluding from the mischief of clause 6, where a similar amendment has been made, the activities of *bona fide* religious preceptors.

*Clause 4.*—We recommend that the Local Government should, where practicable, ordinarily appoint the Port Haj Committee as the licensing authority. Although the wording of the clause as it stands does not exclude the possibility of this being done, we have inserted words aimed at making it clear that Government can where practicable appoint such Committee as the licensing authority.

*Clause 5.*—We have accepted this clause as drafted, but we desire to record our view (1)



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that in prescribing conditions to be entered in licences the Local Government should take into consideration the desirability of limiting the freedom of contract granted to pilgrim guides to the making of fair and reasonable contracts, and (2) in making rules under clause (c) the Local Government should direct the licensing authority to consult the local Haj Committee, if any, before granting a licence to a pilgrim guide.

*Clause 6.*—Our comments on the definition in clause 2 explain the changes which we have made in this clause.

*Clause 11.*—We have somewhat simplified the drafting.

*Clause 12.*—We consider it essential that some such provision as is here proposed should be made in order to secure the prosecution of breaches of the Act. We fear that, if the initiation of prosecutions is left solely to aggrieved pilgrims, many offences might go unpunished.

3. The Bill was published in the *Gazette of India*, dated the 2nd April, 1932.

4. We think that the Bill has not been so altered as to require re-publication. We have, however, decided by a majority to recommend that the Bill be not proceeded with at present. It would be difficult, in practice, to differentiate between those activities of pilgrim guides which the Bill is designed to prevent and legitimate activities such as giving purely religious advice. We are very doubtful as to the efficacy of the procedure devised to prosecute offenders and owing to the anxiety of the pilgrims to proceed without any loss of time to Jeddah, prosecutions even when started will be difficult to complete. It would be better, therefore, in our opinion, to watch the effect of the newly established Port Haj Committees and the recent legislation in Bengal on the activities of pilgrim guides before fresh legislation on the subject is undertaken.

*ABDUR RAHIM.
G. S. BAJPAI.
ISMAIL ALI KHAN.
MD. SHAFEE DAOODI.
WAJIHUDDIN.
S. MURTUZA.
MD. IBRAHIM ALI KHAN.
M. MASWOOD.
BHAI PARMA NAND.
SYED RAJAN BAKSH SHAH.
CHAUDHURY MD. ISMAIL KHAN.
*NAWAB AHMAD NAWAZ KHAN.

NEW DELHI,
The 16th November, 1932.

* Subject to a minute of dissent.

## MINUTE OF DISSENT.

I consider it unfortunate that the majority of the other Honourable Members on the Select Committee should have at the last meeting decided to recommend that this Bill be withdrawn. The way many of the men who act as guides to intending pilgrims—whether they call themselves *Muallims* or otherwise—defraud the poor and ignorant among the pilgrims is a crying evil and the Haj Enquiry Committee after a full investigation of the facts unanimously came to the conclusion that legislation on the lines proposed in this Bill was absolutely necessary. The amendments that were passed by the Committee would suffice to exclude *bona fide* religious teachers from the purview of the Bill. Nor can there be any reasonable doubt that even if all or most of the offenders could not be brought to book—indeed that has not been found possible under any law—the control provided by the Bill over undesirable activities of persons acting professionally as guides or *muallims* would have considerably narrowed their opportunity for mischief.

ABDUR RAHIM.
NAWAB AHMAD NAWAZ KHAN.

The 15th November, 1932.

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L. A. BILL NO. 32 OF 1932.

[AS AMENDED BY THE SELECT COMMITTEE.]

**Words printed in italics indicate the amendments suggested by the Committee.]**

*A Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz.*

WHEREAS it is expedient to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz; It is hereby enacted as follows:—

Short title, extent and commencement.

**1.** (1) This Act may be called the Hedjaz *Pilgrim Guides* Act, 1932.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force in any province on such date as the Local Government may, by notification in the local official Gazette, appoint in this behalf.

Definitions.

**2.** In this Act,—

(a) "pilgrim" and "pilgrimage" have reference to Muslim pilgrims proceeding *or intending to proceed* on the pilgrimage to the Hedjaz; and

(b) a "*pilgrim guide*" means any person who, for a consideration or in the hope of reward, advises or assists, or offers to advise or assist, any pilgrim in any matter connected with the pilgrimage *other than the performance of religious rites and ceremonies relating thereto, and includes muallim, sabee, hamaldar and pil-*

**3.** The Governor-General in Council may, by notification in the *Gazette of India* and subject to the condition of previous publication, make rules—

Power of Governor-General in Council to make rules.

(*a*) regulating the grant of licences to *pilgrim guides*,

(*b*) prescribing conditions which shall be inserted in such licences, and

(*c*) generally, to carry out the purposes of this Act.

**4.** The Local Government may appoint such person *or body of persons* as it may think fit to discharge the duties of a licensing authority under this Act.

Appointment of authority to grant licences.

**5.** The Local Government may, by notification in the local official Gazette and subject to the condition of previous publication, make rules not inconsistent with the rules made by the Governor-General in Council under Section 3—

Power of Local Government to make rules.

(*a*) prescribing further conditions to be entered in licences granted to *pilgrim guides*,

(*b*) prescribing the form of such licences,

(*c*) regulating the procedure of the licensing authority in granting such licences, and

(*d*) prescribing the fees to be paid for such licences.

**6.** Whoever, not being a licensed *pilgrim guide* for a consideration or in the hope of a reward, advises or assists, or offers to advise or assist, any pilgrim other than a relative or friend, in any matter connected with the pilgrimage *other than the performance of religious rites and ceremonies relating thereto*, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Penalty for acting as *pilgrim guide* without a licence.

**7.** Where it appears to any Court before which any person is being tried for an offence under section 6 that the accused has advised or assisted, or offered to advise or assist, any pilgrim who is not his relative or friend, and no consideration is proved, the Court may presume that the accused acted in the hope of a reward.

Presumption regarding motive.

**8.** A licensed *pilgrim guide* who does any act in contravention of any of the conditions of his licence shall be punishable with fine which may extend to two hundred rupees.

Penalty for contravention of the conditions of a licence.

**9.** The licensing authority may suspend the licence of any *pilgrim guide* pending any enquiry into an accusation against him for misconduct for which, if proved, he would be liable to be punished under section 8.

Power to suspend licence.

**10.** The licensing authority may cancel the licence of any *pilgrim guide* who is convicted of an offence under section 8, or of any other criminal offence involving, in the opinion of the licensing authority, moral turpitude.

Power to cancel licence.

**11.** (*1*) A licence granted under this Act to a *pilgrim guide* shall entitle him *to act as such* in the province in which the licence is granted; and it shall also entitle him to accompany, advise and assist *any* pilgrim on his journey through and from such province to a port of embarkation.

Territorial extent of a licence.

(*2*) Save to the extent provided in sub-section (*1*), a licence granted to a *pilgrim guide* shall not entitle him to act as a *pilgrim guide* outside the province in which the licence is granted, and, in particular, shall not entitle him to act as a *pilgrim guide* in any port unless it is granted in the province in which the port is situated.

**12.** (*1*) No Magistrate of the second or third class shall take cognizance of or try any offence punishable under this Act.

Jurisdiction.

(*2*) *A Magistrate having jurisdiction may take cognizance of an offence punishable under this Act upon receiving a complaint of facts which constitute such offence made by a licensing authority appointed under section 4, or by any authority authorised by such licensing authority in this behalf.*

**13.** (*1*) On the date on which this Act comes into force in the province of Bombay, the enactments specified in Part I of the Schedule shall be repealed:

Repeal and savings.

Provided that any licence granted to a pilgrim-broker under the said enactments and valid immediately before the said date shall continue to be valid as if it has been granted under this Act, for such period as the Local Government may, by notification in the local official Gazette, determine, and shall cease to be valid on the expiry of such period.

(*2*) On the date on which this Act comes into force in the province of Bengal, the enactments specified in Part II of the Schedule shall be repealed:

Povided that any licence granted to a pilgrim-broker or to a *muallim* under the said enactments and valid immediately before the said date shall continue to be valid as if it had been granted under this Act, for such period as the Local Government may, by notification in the local official Gazette, determine, and shall cease to be valid on the expiry of such period.

## THE SCHEDULE.

REPEALS.

(*See* section 13.)

### PART I.—BOMBAY ACTS.

| Year. | No. | Short title. | Extent of repeal. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| 1887 | II | The Protection of Pilgrims Act, 1887. | So much as has not been repealed. |
| 1915 | V. | The Bombay Protection of Pilgrims (Amendment) Act, 1915. | The whole. |

### PART II.—BENGAL ACTS.

| Year. | No. | Short title. | Extent of repeal. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| 1896 | I | The Protection of Muhammadan Pilgrims Act, 1896. | So much as has not been repealed. |
| 1929 | II | The Protection of Muhammadan Pilgrims (Bengal Amendment) Act, 1929. | The whole. |

S. C. GUPTA,

Secretary to the Government of India.

Registered No. L 86

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

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LAHORE, FRIDAY, MARCH 3, 1933.

## PART IV.

**Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

GOVERNMENT OF INDIA.

### LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Report of the Select Committee on the Bill further to amend the Workmen's Compensation Act, 1923, was presented to the Legislative Assembly on the 14th February, 1933 :—

We, the undersigned, Members of the Select Committee to which the Bill further to amend the Workmen's Compensation Act, 1923, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Papers Nos. I—IV.

Clauses 10 to 22 have been re-numbered as clauses 11 to 23, in consequence of the introduction of a new clause after clause 9. The references are to the clauses as now re-numbered.

2. *Clause 1.*—We have postponed the date on which the amendments made by the Bill will come into force, and in order to give time for the necessary insurance arrangements we have provided that certain clauses which have the effect of altering the amount of compensation payable shall not apply to compensation payable on account of injuries occurring before the new provisions come into operation.

3. *Clause 2, sub-clause (a) (i).*—We have recast the definition of "dependant" in the Act. The Bill was designed to add certain relatives to the list included in that definition. There are however certain relatives who though not infrequently dependent on a deceased workman would not be included in the definition of dependant as amended by the Bill. We consider that so long as no proof of dependence is required it is inexpedient to enlarge the definition, as every addition increases the risk of compensation going to persons who have no equitable claim. We have endea-

voured to meet the difficulty by dividing the dependants into two categories, placing in the first those who are in practically all cases actually dependent and in the second those who may or may not be in that position. And we have provided that while those in the first category need not be called upon to prove dependence, those in the second category shall be so required.

With this modification certain additions can safely be made in the second category and we have included illegitimate children, and a widowed daughter-in-law.

*Sub-clause (a) (ii) and (iii) and clause 9.*—We have omitted the definition or "registered ship" from the Act, as we consider that there is no longer any need for making any distinction between ships which are registered in India, ships which are registered elsewhere and ships which are unregistered. We have inserted in item *(vi)* of Schedule II the ships to which we consider the Act should be applied. The alterations made by sub-clause *(a)* *(iii)* in the definition of seamen [section 2 (1) *(k)* of the Act] and by clause 9 are consequential.

*Sub-clause (b).*—In the revised draft of section 2 *(3)* of the Act we have omitted the reference to persons as opposed to classes of persons; for we do not think that circumstances could arise justifying the inclusion of individuals as such.

4. *Clause 4 and clause 23—Compensation for death and permanent disablement adults.*—We have by a majority made certain reductions affecting the first two and the last two of the wage classes in Schedule IV. These are shown for purposes of comparison in tabular form below:—

| Wage-group (See Schedule IV). | Compensation as proposed in the Bill for— | | Compensation as modified in Committee for— | |
|---|---|---|---|---|
| | Death. | Permanent total disablement. | Death. | Permanent total disablement. |
| First .. | 600 | 840 | 500 | 700 |
| Second .. | 600 | 840 | 550 | 770 |
| Sixteenth .. | 3,750 | 5,250 | 3,500 | 4,900 |
| Seventeenth .. | 4,500 | 6,300 | 4,000 | 5,600 |

The increases proposed by the Bill in these classes are heavy and it seemed to the majority of us impossible to ignore the fact that since the Royal Commission reported there has been a very substantial change in the price level. The Commission indicated that their proposals were based on conditions prevailing in 1929 and early 1930. Since then the prices have fallen to a much lower level and wages have been reduced to some extent. The greater part of the Schedule is based directly on wages, and therefore reductions in wages make themselves felt automatically in reducing the amount of compensation. But this does not hold good at the extreme ends of the Schedule, for the maximum and minimum are fixed sums. At the lower end particularly, the effect of a fall in the wage-level is to increase the proportion which compensation bears to the wages of those receiving it. We would observe that even with the reductions we have proposed the minimum rate of compensation represents an increase of over 100 per cent. on that given by the present Act, while the maximum compensation is increased by 60 per cent.

*Permanent disablement of minors.*—In place of column 4 of the Schedule in the Bill we have substituted unanimously a fixed rate of compensation, *viz.*, Rs. 1,200. The greater part of the column previously in the Bill had no meaning as no minor could earn wages entitling him to any of the higher figures there shown; and our proposal will have the effect in most cases of giving appreciably more to a minor who is disabled than the amount which the Bill as introduced would have given.

*Temporary disablement.*—We have by a majority made small reductions in the rate of half-monthly payments for the 6th, 7th and 8th wage classes only reducing the amounts from Rs. 9, 10 and 10 to Rs. 8-8-0, 9-0-0 and 9-8-0, respectively.

5. *Clause 8. Proposed section 10A.*—We have extended the period for sending notice and making a deposit from ten days to thirty days, as we think that it is in the interest of both parties that adequate time should be given to the employer to make the necessary inquiries and to consult those with whom he may have insured his liability.

*Proposed section 10B.*—We have altered the wording to make it clear that notices are required when the accident occurs in the premises, irrespective of the place where the death occurs, and have provided that the period of seven days should begin from the date of death and not the date of accident. We consider that the task of those sending notices would be lightened in many cases if they were permitted to send the notice required by this section to the authority (*e.g.*, the factory inspector) to whom notice has to be sent under other Acts; the latter could then forward it to the Commissioner. We have therefore provided that Local Governments may introduce this modification by rule.

6. *Clause 9.*—We have expanded the amendment in order to give the contractor the right to be indemnified by the sub-contractor if he has had to pay compensation either to the principal or to the workman.

7. *Clause 11.*—The alteration made in section 10B inserted by clause 8 of the Bill has necessitated the change in clause *(c)* of new section 18A. A sub-section has been added to new section 18A in order to secure that prosecutions will be instituted only after sanction and to provide a period of limitation.

8. *Clause 19.*—The alteration is consequential on the change made in section 10B as inserted by clause 8 of the Bill.

9. *Clause 20.*—We have simplified the wording while providing that the provisions

of the new section shall apply to foreign countries as well as to parts of His Majesty's Dominions.

10. *Clause 21.*—The alterations here made are all designed to add to the categories of workmen benefited by the Act. The change in item (*i*) has the effect of extending the Act to drivers of private motor cars. Item (*iv*) provides for workmen employed in handling explosive substances. Item (*vi*) extends the Act to workmen employed on all ships propelled by power and all except the smallest sailing ships. Items (*viii*) and (*x*) have been widened in scope and other additions have been made with the same object in items (*xiii*), (*xviii*), (*xix*), (*xxi*), (*xxii*) and (*xxiii*).

11. The Bill was published as follows:—

IN ENGLISH.

| Gazette. | | Date. |
|---|---|---|
| Gazette of India | .. .. | 20th February, 1932. |
| Fort St. George Gazette | .. | 8th March, 1932. |
| Bombay Government Gazette | .. | 31st March, 1932. |
| Calcutta Gazette | .. .. | 24th March, 1932. |
| United Provinces Gazette | .. | 27th February, 1932. |
| Punjab Government Gazette | .. | 15th April, 1932. |
| Burma Gazette | .. .. | 12th March, 1932. |
| Central Provinces Gazette | .. | 5th March, 1932. |
| Assam Gazette | .. .. | 24th February, 1932. |
| Bihar and Orissa Gazette | .. | 16th March, 1932. |
| Coorg District Gazette | .. | 1st April, 1932. |
| Sind Official Gazette | .. .. | 7th April, 1932. |
| North-West Frontier Gazette | .. | 17th June, 1932. |

IN THE VERNACULARS.

| Province. | Language. | Date. |
|---|---|---|
| Madras .. | Tamil | 24th May, 1932. |
| | Telugu | 24th May, 1932. |
| | Hindustani | 17th May, 1932. |
| | Kanarese | 24th May, 1932. |
| | Malayalam | 21st June, 1932. |
| Bombay .. | Marathi | 19th May, 1932. |
| | Gujarathi | 19th May, 1932. |
| | Kanarese | 19th May, 1932. |
| | Urdu | 28th May, 1932. |
| Punjab .. | Urdu | 15th April 1932. |
| Coorg .. | Kanarese | 1st June, 1932. |
| Sindh .. | Sindhi | 28th April ,1932. |

12. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

B. L. MITTER.
F. NOYCE.
R. D. DALAL.
H. P. MODY.
M. A. AZIM.
K. AHMED.
A. G. CLOW.
*K. P. THAMPAN.
*N. M. JOSHI.
*ABDUL MATIN CHAUDHURY.
*G. MORGAN.
*R. T. H. MACKENZIE.
*B. V. JADHAV.
S. C. SEN.
*S. C. MITRA.
ISMAIL ALI KHAN.
S. G. JOG.

NEW DELHI;
The 10th February, 1933.

*Subject to minute of dissent.

## MINUTES OF DISSENT.

In regard to clause 4 and the Schedule thereunder we are of opinion that any increase in benefits as now existing under the Act is not only unnecessary but undesirable as being liable to cause malingering as well as imposing an increased burden on already overstrained industries.

In 1924, when the Act started working, commodity prices were high, the general index number for all articles being 155, on the basis of 100 in 1914. Prices have now dropped again to the 1914 level, whereas wages have not dropped, so the scale of compensation has automatically increased.

In clause 21, item (*xviii*), we see no justification for extending the Bill to cover all estate labour other than factory labour, but if it is to be so extended then we maintain that it should be extended to all organised plantations and on an acreage basis.

This would involve the definition of "estate" as "land of 10 acres or more held by one or more person or persons as owner or co-owners, whether in one or more blocks, which is being prepared for the production of or actually produces tea, coffee, pepper, cardamom, cinchona, cocoanuts, or such other products as the Government of India may by order duly notified specify".

G. MORGAN.
R. T. H. MACKENZIE.

The 7th February, 1933.

We are sorry that we cannot agree with the views of the majority in several points.

1. Compensation is allowed in the case of death of a workman and the employer is not permitted to raise contributory negligence or intoxication as a plea or pleas in defence. This is right. But we claim that in the case of permanent disablement not less than 50 *per cent*. the same rule should apply. This proposal is supported by the Royal Commission on Labour and in England also the same principle is accepted.

2. We regret that the Government of India have thought fit to go back on their first proposals as regards scales of compensation In the original draft of the Bill as introduced in the Legislative Assembly the recommendations of the Royal Commission were accepted by Government. But it is sad to see that the cries of the capitalists touched the heart of Government who have now thought fit to reduce the amount in respect of the very low paid labourers.

3. We do not agree with the majority for excluding those who do clerical work in the same building. If other manual workers are entitled to compensation, the clerks too when exposed to like risks should be similarly protected.

4. Modern medical science has found out that people working in mines and on plantations and such places are liable to suffer from hookworm. This should therefore be classified as an occupational disease for workers working on plantations.

B. V. JADHAV.

S. C. MITRA.

The 8th February, 1933.

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We regret we are unable to agree with the conclusions of the majority in several respects.

*Firstly*.—We do not approve of the new proposal made by the majority that in the case of some dependents of the man who has met with an accident, dependence must be proved. We hold this is a departure from the principle on which the original Act has been based, and as the amount of compensation does not vary according to the number of dependants, proof of dependence should not be required.

*Secondly*.—We consider that the waiting period of seven days is too long and should be reduced to three days which is the period laid down in the British Act. No special circumstances exist in India which can justify this departure from British practice.

*Thirdly*.—We consider that the employer should not be permitted to plead the plea of the wilful misconduct of the worker in the case of permanent loss of 50 per cent. of the earning capacity. Our proposal has the support of the majority of the members of the Royal Commission on Indian Labour and also of the British Law on the subject. Workmen's Compensation Legislation is based upon the recognition of the fact that there exist some risks which are inherent in certain occupations and industries and for which the workman must be compensated. If the workman is to be deprived of his right to compensation on the ground of his wilful misconduct it is necessary that when an accident takes place on account of the fault of the employer the compensation must be increased as is done in France and in some other countries. Moreover, under the Indian Act the workman is practically denied the alternative remedy of proceeding in the Civil Court as he cannot afford to take the risk of losing compensation under the Workmen's Compensation Act if his suit in the Civil Court fails which does not happen under the British Act.

*Fourthly*.—We regret very much that the Government of India have gone back upon their original proposals in the Bill as regards scales of compensation which had the support of the Royal Commission on Indian Labour and have proposed reductions in the amounts of increases proposed in the original Bill. We disagree with the new proposals of the Government of India which unfortunately have been accepted by the majority of the Committee. We consider that the scales of compensation in the original Act were very much low and even the increases originally proposed in the present Bill which were also limited only to a few classes of workmen were inadequate. With the compensation of Rs. 600 the dependants of a deceased workman can only secure an annual income of Rs. 24 which by the fresh proposals of the Government will be reduced to Rs. 20 a year. Similarly in the case of permanent total disablement of the adult the minimum compensation of Rs. 840 as proposed in the original Bill would have given to the worker for the rest of his life an annual income of only Rs. 33½ which has now been proposed to be reduced to Rs. 28. In these cases in Great Britain the workman gets half of his wages throughout the rest of his life.

*Fifthly*.—We do not agree with the proposals approved by the majority for excluding from the benefit of the Act clerks working in the industries or occupations, the manual workers in which are entitled to compensation. There is not much justification for their exclusion unless they work in a separate building at a distance and have no occasion at all to go near the place where the manual workers work. We also hold that workmen working in a factory where any kind of power is used and where five or more persons are employed should get the benefit of this Bill and that workers working in workshops in which no power is used and where 25 or more persons are employed should similarly benefit from the Bill.

*Sixthly*.—We propose that 'Hookworm' should be classified as an occupational disease for workers working on plantations.

K. P. THAMPAN.

N. M. JOSHI.

ABDUL MATIN CHAUDHURY.

L. A. BILL NO. 9 OF 1932.

[AS AMENDED BY THE SELECT COMMITTEE.]

[Words printed in italics indicate the amendments suggested by the Committee.]

*A Bill further to amend the Workmen's Compensation Act, 1923.*

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1923; It is hereby enacted as follows:—

VIII of 1923.

1. (*1*) This Act may be called the Workmen's Compensation (Amendment) Act, 1933.

Short title *and commencement.*

(*2*) *It shall come into force on the 1st day of July 1933; but sections 2, 3, 4, 5, 21, 22 and 23 shall not have effect until the 1st day of January 1934, and shall have effect thereafter only in respect of compensation payable on account of an injury caused to a workman by an accident occurring on or after the 1st day of January 1934.*

2. In section 2 of the Workmen's Compensation Act, 1923 (hereinafter referred to as the said Act),—

Amendment of section 2, Act VIII of 1923.

VIII of 1923.

(*a*) in sub-section (*1*),—

(*i*) *for clause (d) the following shall be substituted, namely:—*

*"(d) 'dependant' means any of the following relatives of a deceased workman, namely:—*

*(i) a wife, a minor legitimate son, an unmarried legitimate daughter, or a widowed mother; and*

*(ii) if wholly or in part dependent on the earnings of the workman at the time of his death, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent,"*

(*ii*) *clause (j) shall be omitted,*

(*iii*) *in clause (k), the word "registered" shall be omitted, and for the words "any such" the word "the" shall be substituted, and*

(*iv*) in sub-clause (*ii*) of clause (*n*), the words ", either by way of manual labour or" shall be omitted;

(*b*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) The Governor-General in Council, after giving, by notification in the *Gazette of India*, not less than three months' notice of his intention so to do, may, by a like notification, add to Schedule II * * any class of persons employed in any occupation which he is satisfied is a hazardous occupation, and the provisions of this Act shall thereupon apply to such * * classes of persons:

Provided that in making such addition the Governor-General in Council may direct that the provisions of this Act shall apply to such * * classes of persons in respect of specified injuries only."

3. In section 3 of the said Act,—

Amendment of section 3, Act VIII of 1923.

(*a*) in sub-section (*1*),—

(*i*) in proviso (*a*), for the word "ten" the word "seven" shall be substituted, and

(*ii*) in proviso (*b*), for the words "injury to a workman resulting from" the words "injury, not resulting in death, caused by" shall be substituted; and

(*b*) in sub-section (*4*), the words "solely and" shall be omitted.

4. For sub-section (*1*) of section 4 of the said Act, the following sub-section shall be substituted, namely:—

Amendment of section 4, Act VIII of 1923.

"(*1*) Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:—

Amount of compensation.

A. Where death results from the injury—

(*i*) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the second column thereof, and

(*ii*) in the case of a minor—two hundred rupees;

B. Where permanent total disablement results from the injury—

(*i*) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the third column thereof, and

(*ii*) in the case of a minor—*twelve hundred rupees;*

C. Where permanent partial disablement results from the injury—

(*i*) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(*ii*) in the case of an injury not specified in Schedule I, such percentage of the compensation payable

in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury;

*Explanation.*—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulte from the injuries;

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day after the expiry of a waiting period of seven days from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter,—

(*i*) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—of the sum shown against such limits in the fourth column thereof, and

(*ii*) in the case of a minor—of one-half of his monthly wages, subject to a maximum of thirty rupees:

Provided that—

(*a*) there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be: and

(*b*) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident."

Amendment of section 5, Act VIII of 1923.

**5.** In section 5 of the said Act,—

(*a*) in sub-section (*1*),—

(*i*) for the word and figure "section 4" the words "this Act" shall be substituted,

(*ii*) after clause (*a*) the following clause shall be inserted, namely:—

"(*b*) where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the workman shall be deemed to be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman employed on the same work by the same employer, or, if there was no workman so employed, by a workman employed on similar work in the same locality;",

(*iii*) clause (*b*) shall be re-lettered as clause (*c*), and

(*iv*) the proviso shall be omitted; and

(*b*) sub-section (*2*) shall be omitted.

**6.** In section 8 of the said Act,—

Amendment of section 8, Act VIII of 1923.

(*a*) for the provision to sub-section (*1*) the following shall be substituted, namely:—

"Provided that, in the case of a deceased workman, an employer may make to any dependant advances on account of compensation not exceeding an aggregate of one hundred rupees, and so much of such aggregate as does not exceed the compensation payable to that dependant shall be deducted by the Commissioner from such compensation and repaid to the employer"; and

(*b*) in sub-section (*4*),—

(*i*) for the words "may deduct" the words "shall deduct" shall be substituted, and

(*ii*) for the words "fifty rupees or so much of that cost or of fifty rupees, whichever is less, as has not already been advanced by the employer on account of such expenses" the words twenty-five rupees" shall be substituted.

**7.** In section 10 of the said Act,—

Amendment of section 10, Act VIII of 1923.

(*a*) in sub-section (*1*), after the first proviso the following proviso shall be inserted, namely:—

"Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the maintenance of proceedings—

(*a*) if the claim is made in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or

(b) if the employer had knowledge of the accident from any other source at or about the time when it occurred: " ; and

(b) for sub-section (3) the following sub-sections shall be substituted, namely:—

"(3) The Local Government may require that any prescribed class of employers shall maintain at their premises at which workmen are employed a notice book, in the prescribed form, which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting *bonâ fide* on his behalf.

(4) A notice under this section may be served by delivering it at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served, or, where a notice book is maintained, by entry in the notice book.

**8.** After section 10 of the said Act the following sections shall be inserted, namely:—

Insertion of new sections 10A and 10B in Act VIII of 1923.

"10A. (1) Where a Commissioner receives information from any source that a workman has died as a result of an accident arising out of and in the course of his employment, he may send by registered post a notice to the workman's employer requiring him to submit, within *thirty* days of the service of the notice, a statement, in the prescribed form, giving the circumstances attending the death of the workman, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death.

Power to require from employers statements regarding fatal accidents.

(2) If the employer is of opinion that he is liable to deposit compensation, he shall make the deposit within *thirty* days of the service of the notice.

(3) If the employer is of opinion that he is not liable to deposit compensation, he shall in his statement indicate the grounds on which he disclaims liability.

(4) Where the employer has so disclaimed liability, the Commissioner, after such inquiry as he may think fit, may inform any of the dependants of the deceased workman that it is open to the dependants to prefer a claim for compensation, and may give them such other further information as he may think fit.

10B. (1) Where, by any law for the time being in force, notice is required to be given to any authority, by or on behalf of an employer, of any accident *occurring on his premises which results in death*, the person required to give the notice shall, within seven days of the *death*, send a report to the Commissioner giving the circumstances attending the death:

Reports of fatal accidents.

*Provided that where the Local Government has so prescribed the person required to give the notice may instead of sending such report to the Commissioner send it to the authority to whom he is required to give the notice.*

(2) The Local Government may, by notification in the local official Gazette, extend the provisions of sub-section (1) to any class of premises other than those coming within the scope of that sub-section, and may, by such notification, specify the persons who shall send the report to the Commissioner."

**9.** In sub-section (2) of section 12 of the said Act, after the words "the contractor" the words ", or any other person from whom the workman could have recovered compensation *and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this section he shall be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the workman could have recovered compensation*" shall be inserted.

Amendment of section 2, Act VIII of 1923.

***10.*** *In section 15 of the said Act, the word "registered" shall be omitted.*

*Amendment of section 15, Act VIII of 1923.*

***11.*** In Chapter II and after section 18 of the said Act, the following section shall be inserted, namely:—

Insertion of new section 18A in Act VIII of 1923.

"18A. (1) Whoever—

Penalties.

(a) fails to maintain a notice-book which he is required to maintain under sub-section (3) of section 10, or

(b) fails to send to the Commissioner a statement which he is required to send under sub-section (1) of section 10A, or

(c) fails to send * * a report * * which he is required to send under section 10B, or

(d) fails to make a return which he is required to make under section 16,

shall be punishable with fine which may extend to one hundred rupees.

(2) *No prosecution under this section shall be instituted except by or with the previous sanction of a Commissioner, and no Court shall take cognizance of any offence under this section, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.*"

Amendment of section 19, Act VIII of 1923.

**12.** In sub-section (*1*) of section 19 of the said Act, for the words "the Commissioner" the words "a Commissioner" shall be substituted.

Amendment of section 20, Act VIII of 1923.

**13.** In section 20 of the said Act,—

(*a*) after sub-section (*1*) the following sub-section shall be inserted, namely:—

"(*2*) Where more than one Commissioner has been appointed for any local area, the Local Government may, by general or special order, regulate the distribution of business between them."; and

(*b*) sub-sections (*2*) and (*3*) shall be re-numbered as sub-sections (*3*) and (*4*).

Amendment of section 21, Act VIII of 1923.

**14.** In section 21 of the said Act,—

(*a*) in sub-section (*1*), for the words "the Commissioner", in both places where they occur, the words "a Commissioner" shall be substituted, and

(*b*) after sub-section (*4*) the following sub-section shall be inserted, namely:—

"(*5*) The Local Government may transfer any matter from any Commissioner appointed by it to any other Commissioner appointed by it."

Amendment of section 22, Act VIII of 1923.

**15.** In section 22 of the said Act,—

(*a*) in sub-section (*1*), after the word "Commissioner", the words ", other than an application by a dependant or dependants for compensation," shall be inserted; and

(*b*) in sub-section (*2*),—

(*i*) for the words "Where any such question has arisen, the application" the words "An application to a Commissioner" shall be substituted, and

(*ii*) in clause (*d*), after the brackets and letter "(*d*)," the words "except in the case of an application by dependants for compensation," shall be inserted.

Insertion of new section 22A in Act VIII of 1923.

**16.** After section 22 of the said Act, the following section shall be inserted, namely:—

Power of Commissioner to require further deposit in cases of fatal accident.

"22A. (*1*) Where any sum has been deposited by an employer as compensation payable in respect of a workman whose injury has resulted in death, and in the opinion of the Commissioner such sum is insufficient, the Commissioner may, by notice in writing stating his reasons, call upon the employer to show cause why he should not make a further deposit within such time as may be stated in the notice.

(*2*) If the employer fails to show cause to the satisfaction of the Commissioner, the Commissioner may make an award determining the total amount payable, and requiring the employer to deposit the deficiency."

Amendment of section 30, Act VIII of 1923.

**17.** To sub-section (*1*) of section 30 of the said Act, after the existing provisos, the following further proviso shall be added, namely:—

"Provided further that no appeal by an employer under clause (*a*) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him not less than one-tenth of the amount payable under the order appealed against or one hundred rupees, whichever is less."

Insertion of new section 30A in Act VIII of 1923.

**18.** After section 30 of the said Act the following section shall be inserted, namely:—

Withholding of certain payments pending decision of appeal.

"30A. Where an employer makes an appeal under clause (*a*) of sub-section (*1*) of section 30, the Commissioner may, and if so directed by the High Court shall, pending the decision of the appeal, withhold payment of any sum in deposit with him:

Provided that the Commissioner may distribute, in such manner as he may think fit, out of any sum in deposit with him, a sum not exceeding one-tenth of the sum payable under his order, or one hundred rupees, whichever is less, among persons entitled under his order to receive compensation who, in his opinon, are unable to support themselves, and in the event of the appeal being successful such sum shall not be recoverable by the employer."

Amendment of section 33, Act VIII of 1923.

**19.** In section 33 of the said Act,—

(*i*) in clause (*c*), the word "and", in the second place where it occurs, shall be omitted;

(*ii*) after clause (*c*) the following clauses shall be inserted, namely:—

"(*d*) for prescribing the classes of employers who shall maintain notice-books under sub-section (*3*) of section 10, and the form of such notice-books;

(*e*) for prescribing the form of statement to be submitted by employers under section 10A; * *

(*f*) *for prescribing the cases in which the report referred to in section 10B may be sent to an authority other than the Commissioner; and*"; *and*

(*iii*) clause (*d*) shall be re-lettered as clause (*g*).

**20.** After section 34 of the said Act, the following section shall be inserted, namely:—

Insertion of new section 35 in Act VIII of 1923.

"35. * * * * *

Rules to give effect to * arrangements with other *countries* for the transfer of money paid as compensation. * * *

The Governor-General in Council may, by notification in the *Gazette of India*, make rules * * * for the transfer to *any part of His Majesty's Dominions or to any other country* of money paid to a Commissioner under this Act * * * for the benefit of any person residing or about to reside in such part *or country* and for the receipt and administration in British India of any money awarded under the law relating to workmen's compensation in *any part of His Majesty's Dominions or in any other country*, and * * * * * applicable for the benefit of any person residing or about to reside in British India."

**21.** In Schedule II to the said Act, for clauses (*i*) to (*xiii*) the following clauses and explanation shall be substituted, namely:—

Amendment of Schedule II, Act VIII of 1923.

"(*i*) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of mechanically propelled vehicles * * * * * * ; or

(*ii*) employed, otherwise than in a clerical capacity, in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been employed in any manufacturing process, as defined in clause (*4*) of section 2 of the Indian Factories Act, 1911, or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made, and steam, water or other mechanical power or electrical power is used; or

(*iii*) employed, otherwise than in a clerical capacity, in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, fifty or more persons have been employed in any manufacturing process, as defined in clause (*4*) of section 2 of the Indian Factories Act, 1911, or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made; or

(*iv*) *employed in the manufacture or handling of explosives in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been so employed; or*

(*v*) employed, in any mine as defined in clause (*f*) of section 3 of the Indian Mines Act, 1923, in any mining operation, or in any kind of work, other than clerical work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground: IV of 1923.

Provided that any excavation in which on no day of the preceding twelve months more than fifty persons have been employed or explosives have been used, and whose depth from its highest to its lowest point does not exceed twenty feet shall be deemed not to be a mine for the purpose of this clause; or

(*vi*) *employed as the master or as a seaman of—*

(*a*) *any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled, or*

(*b*) *any ship not included in sub-clause (a) of fifty tons net tonnage or over; or*

(*vii*) employed for the purpose of loading, unloading, fuelling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or in the handling or transport * * within the limits of any port subject to the Indian Ports Act, 1908, of goods which have been discharged from or are to be loaded into any vessel; or XV of 1908.

(*viii*) employed in the construction, repair or demolition of—

(*a*) any building which is designed to be or is or has been more than one storey in height above the ground or twenty feet or more from the ground level to the apex of the roof, or

(*b*) any dam or embankment which is twenty feet or more in height from its lowest to its highest point, or

(*c*) any * * road, * bridge, * * * or tunnel; or

(*d*) *any wharf, quay, sea-wall or other marine work including any moorings of ships; or*

(*ix*) employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any over-head electric line or cable or post or standard for the same; or

(*x*) *employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal, pipe-line, or sewer; or*

(*xi*) employed in the service of any fire brigade; or

(*xii*) employed upon a railway as defined in clause (*4*) of section 3, and sub-section (*1*) of section 148 of the Indian Railways Act, 1890, *either directly or through a sub-contractor*, by a person fulfilling a contract with the railway administration; or

of 1890.

(*xiii*) employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service, *or employed in any occupation ordinarily involving outdoor work in the Indian Posts and Telegraphs Department*; or

(*xiv*) employed, *otherwise than in a clerical capacity*, in connection with operations for winning natural petroleum or natural gas; or

(*xv*) employed in any occupation involving blasting operations; or

(*xvi*) employed in the making of any excavation in which on any one day of the preceding twelve months more than fifty persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds twenty feet; or

(*xvii*) employed in the operation of any ferry boat capable of carrying more than ten persons; or

(*xviii*) employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months *twenty-five* or more persons have been so employed; or

(*xix*) employed, otherwise than in a clerical capacity, in the * generating, * transforming *or supplying* of electrical energy *or in the generating or supplying of gas*; or

* * * *

(*xx*) employed in a lighthouse as defined in clause (*d*) of section 2 of the Indian Lighthouse Act, 1927; *or*

II of 27.

(*xxi*) *employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or*

(*xxii*) *employed in the training, keeping or working of elephants or wild animals; or*

(*xxiii*) *employed as a diver.*

*Explanation*.—In this Schedule, 'the preceding twelve months' relates in any particular case to the twelve months ending with the day on which the accident in such case occurred."

**22.** In Schedule III to the said Act, after the entry relating to phosphorus poisoning, the following entries shall be added, namely:—

Amendment of Schedule III, Act VIII of 23.

| | |
|---|---|
| "Mercury poisoning or its sequelæ. | Any process involving the use of mercury or its preparations or compounds. |
| Poisoning by benzene and its homologues, or the sequelæ of such poisoning. | Handling benzene or any of its homologues; and any process in the manufacture or involving the use of benzene or any of its homologues. |
| Chrome ulceration or its sequelæ. | Any process involving the use of chromic acid or bichromate of ammonium, potassium or sodium, or their preparations. |
| Compressed air illness or its sequelæ. | Any process carried on in compressed air." |

**23.** For Schedule IV to the said Act, the following shall be substituted, namely:—

Substitution of new Schedule for Schedule IV, Act VIII of 1923.

"SCHEDULE IV.

(*See section 4.*)

*Compensation payable in certain cases.*

| Monthly wages of the workman injured. | | Amount of compensation for— Death of Adult. | Amount of compensation for— Permanent Total Disablement of Adult. | Half-monthly payment as compensation for Temporary Disablement of Adult. |
|---|---|---|---|---|
| 1 | | 2 | 3 | 4 |
| More than— | But not more than— | | | |
| Rs. | Rs. | Rs. | Rs. | Rs. A. |
| 0 | 10 | *500* | *700* | Half his monthly wages. |
| 10 | 15 | *550* | *770* | 5 0 |
| 15 | 18 | 600 | 840 | 6 0 |
| 18 | 21 | 630 | 882 | 7 0 |
| 21 | 24 | 720 | 1,008 | 8 0 |
| 24 | 27 | 810 | 1,134 | *8 8* |
| 27 | 30 | 900 | 1,260 | *9 0* |
| 30 | 35 | 1,050 | 1,470 | *9 8* |
| 35 | 40 | 1,200 | 1,680 | 10 0 |
| 40 | 45 | 1,350 | 1,890 | 11 4 |
| 45 | 50 | 1,500 | 2,100 | 12 8 |
| 50 | 60 | 1,800 | 2,520 | 15 0 |
| 60 | 70 | 2,100 | 2,940 | 17 8 |
| 70 | 80 | 2,400 | 3,360 | 20 0 |
| 80 | 100 | 3,000 | 4,200 | 25 0 |
| 100 | 200 | *3,500* | *4,900* | 30 0 |
| 200 | — | *4,000* | *5,600* | 30 0" |

S. C. GUPTA,

Secy. to the Govt. of India.

## GOVERNMENT OF INDIA

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Report of the Select Committee on the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, was presented to the Legislative Assembly on the 14th February, 1933:—

WE, the undersigned, Members of the Select Committee to which the Bill further to amend the Land Acquisition Act, 1894, for certain purposes was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Papers Nos. I—III.

*Clause 2.*—(*i*) Considerable apprehension has been expressed that the extension of the definition of Company to include concerns owned by individuals might lead to the Act being used in favour of mushroom concerns. In order to provide a safeguard we have limited the application of the new section 38A to industrial concerns employing at least 100 workmen.

(*ii*) We have also made it clearer that land may be acquired for the purpose of providing sanitation, sewage and other services at any time.

(*iii*) The words "so far as concerns the acquisition of such land" which we have inserted are designed to place it beyond doubt that the extension of the Act to concerns not being companies is strictly limited to schemes connected with housing and does not cover acquisition for works likely to prove useful to the public.

*Clause 3.*—The amendment is consequential on the change referred to under paragraph (*ii*) of our observations on clause 2.

*Clause 4.*—In the new clause (*4*) of section 41 we have added further safeguards to enable Local Governments to ensure that the houses shall be properly built and used.

The other amendments to clause 4 are consequential on earlier amendments in the Bill.

Some of the opinions received upon the Bill when circulated mention possible difficulties connected with the resumption of land which is being misused. We considered that the Act gives adequate powers to Local Governments to secure the resumption of land in such cases and we understand that it is usual to give the first option of repurchase to the original owner. In these circumstances we have not considered it necessary to make an amendment relating to this matter.

2. The Bill was published in the *Gazette of India*, dated the 10th September, 1932, and as follows:—

IN ENGLISH.

| Gazette. | Date. |
|---|---|
| Fort St. George Gazette .. | 4th October, 1932. |
| Bombay Government Gazette .. | 24th November, 1932. |
| Calcutta Gazette .. .. | 27th October, 1932. |
| United Provinces Gazette .. | 29th October, 1932. |
| Punjab Government Gazette .. | 23rd September, 1932. |
| Burma Gazette .. .. | 1st October, 1932. |
| Central Provinces Gazette .. | 17th September, 1932. |
| Assam Gazette .. .. | 23rd November, 1932. |
| Bihar and Orissa Gazette .. | 5th October, 1932. |
| Coorg District Gazette .. | 1st November, 1932. |
| Sind Official Gazette .. .. | 1st December, 1932. |
| North-West Frontier Gazette .. | 18th November, 1932. |

IN THE VERNACULARS.

| Province. | Language. | Date. |
|---|---|---|
| Madras .. | Tamil .. | 25th October, 1932. |
| | Telugu .. | 25th October, 1932. |
| | Hindustani | 25th October, 1932. |
| | Kanarese .. | 25th October, 1932. |
| Bombay .. | Marathi .. | 8th December, 1932. |
| | Gujarathi .. | 24th November, 1932. |
| | Kanarese .. | 24th November, 1932. |
| | Urdu .. | 24th November, 1932. |
| United Provinces Gazette .. | Urdu .. | 29th December, 1932. |
| Punjab .. | Urdu .. | 25th November, 1932. |
| Sindh .. | Sindhi .. | 1st December, 1932. |

3. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

The 10th February, 1933.

G. MORGAN.
F. NOYCE.
N. M. JOSHI.
A. G. LEACH.
A. G. CLOW.
*LALCHAND NAVALRAI.
KRISHNAMACHARI.
LAL CHAND.

*Subject to minute of dissent.

### MINUTE OF DISSENT.

I agree to the Bill as amended by the Select Committee subject to my objection that the Bill should apply only to vacant sites or arable land and not land on which there are already dwelling houses. In cases of compulsory acquisition all safeguard should be taken to see that new concerns as contemplated by this Bill should not establish themselves on the site nearby land already occupied by dwelling houses and disturb the original owners of the houses by compulsory acquisition. In growing towns it is more in the public interest that such concerns should be established at or removed to a more suitable distant site than to acquire the adjoining dwelling houses better used by owners for housing labourers.

LALCHAND NAVALRAI.

L. A. BILL NO. 34 OF 1932.

[AS AMENDED BY THE SELECT COMMITTEE.]

[Words printed in italics indicate the amendments suggested by the Committee.]

*A Bill further to amend the Land Acquisition Act, 1894, for certain purposes.*

1894. WHEREAS it is expedient further to amend the Land Acquisition Act, 1894, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Land Acquisition Amendment) Act, 1933.

1894. Insertion of new section 38A in Act I of 1894. **2.** After section 38 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

Industrial concern to be deemed Company for certain purposes. "38A. An industrial concern, *ordinarily employing not less than one hundred workmen* owned by an individual or by an association of individuals and not being a Company, desiring to acquire land for * * the erection of dwelling houses for workmen employed by the concern *or for the provision of amenities directly connected therewith* shall, *so far as concerns the acquisition of such land*, be deemed to be a Company *for the purposes of this Part*, and the references to Company in sections 5A, 6, 7, 17 and 50 shall be interpreted as references also to such concern."

Amendment of section 40, Act I of 1894. **3.** In sub-section (*1*) of section 40 of the said Act, for clauses (*a*) and (*b*) the following clauses shall be substituted, namely:—

"(*a*) that the purpose of the acquisition is to obtain land for * * * the erection of dwelling houses for * workmen employed by the Company *or for the provision of amenities directly connected therewith*, or

(*b*) that such acquisition is needed for the construction of some work, and that such work is likely to prove useful to the public."

Amendment of section 41, Act I of 1894. **4.** In section 41 of the said Act,—

(*a*) after the word "that" where it first occurs, the following words shall be inserted, namely:—

"the purpose of the proposed acquisition is to obtain land for * * the erection of dwelling houses for * workmen employed by the Company *or for the provision of amenities directly connected therewith*, or that"; and

(*b*) for clauses (*4*) and (*5*) the following clauses shall be substituted, namely:—

"(*4*) where the acquisition is for the purpose of erecting dwelling houses *or the provision of amenities connected therewith*, the time within which, *the conditions on which and the manner in which* the dwelling house *or amenities* shall be erected *or provided*; and

(*5*) where the acquisition is for the construction of any other work, the time within which and the conditions on which the work shall be executed and maintained, and the terms on which the public shall be entitled to use the work."

S. C. GUPTA,

Secy. to the Govt. of India.

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GOVERNMENT OF INDIA

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Report of the Select Committee on the Bill further to amend the Auxiliary Force Act, 1920, for certain purposes, was presented to the Legislative Assembly on the 14th February, 1933:—

WE, the undersigned, Members of the Select Committee to which the Bill further to amend the Auxiliary Force Act, 1920, for certain purposes, was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill annexed thereto.

2. We are of opinion that the Bill as drafted adequately fulfils the objects aimed at, and we have found it unnecessary to make any amendments.

3. The Bill was published in the *Gazette of India*, dated the 17th December, 1932.

4. The Bill has not been altered and we recommend that it be passed.

B. L. MITTER.
G. R. F. TOTTENHAM.
J. RAMSAY SCOTT.
A. HOON.
M. R. PURI.
MD. SHAFEE DAOODI.
SHER MOHD. KHAN.
LALCHAND NAVALRAI.

NEW DELHI,
The 10th February, 1933.

L. A. BILL No. 47 OF 1932.

**[As reported by the Select Committee.]**

*A Bill further to amend the Auxiliary Force Act, 1920, for certain purposes.*

WHEREAS it is expedient further to amend the Auxiliary Force Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

**1.** This Act may be called the Auxiliary Force (Amendment) Act, 1933.

Amendment of section 2, Act XLIX of 1920.

**2.** In section 2 of the Auxiliary Force Act, 1920 (hereinafter referred to as the said Act), for the definition of "competent military authority" the following definition shall be substituted, namely:—

"'competent military authority' means the authority prescribed as competent to perform or exercise all or any of the duties imposed or powers conferred on the competent military authority by this Act;"

Amendment of section 5, Act XLIX of 1920.

**3.** In sub-section (2) of section 5 of the said Act, before the words "An applicant for enrolment" the words "Subject to the prescribed conditions," shall be inserted, and the words "located in the prescribed military area within which he for the time being resides" shall be omitted.

Amendment of section 9, Act XLIX of 1920.

**4.** In section 9 of the said Act,—

(*a*) for the words "has not attained the age of thirty-one years" the words "is included in the Active Class" shall be substituted;

(*b*) for the words "the preliminary training specified in Schedule I" the words "preliminary training of such amount as may be ordered by the competent military authority subject to the limits specified in Schedule I" shall be substituted;

(*c*) in the first proviso, for the words "competent military authority" the words "Officer Commanding the corps or unit to which such enrolled person belongs" shall be substituted; and

(*d*) for the second proviso the following proviso shall be substituted, namely:—

"Provided further that any person may be exempted either wholly or in part by the Officer Commanding his corps or unit from the necessity of undergoing preliminary training required by this section; and shall, on the publication in the orders of the corps or unit of such exemption, be deemed to the extent of such exemption to have completed such preliminary training."

Repeal of section 10, Act XLIX of 1920.

**5.** Section 10 of the said Act shall be omitted.

Amendment of section 11, Act XLIX of 1920.

**6.** In section 11 of the said Act,—

(*a*) the words and brackets "(other than a person to whom the provisions of section 10 apply)" shall be omitted, and for the words "as hereinafter provided" the words "by the Officer Commanding the corps or unit to which he is appointed" shall be substituted;

(*b*) after clause (*a*) the word "or" shall be inserted, and for clauses (*b*) and (*c*) the following shall be substituted, namely:—

"(*b*) the Reserve Class;"; and

(*c*) for the words "the periodical training specified in Schedule I" the words "periodical training of such amount as may be ordered by the competent military authority subject to the limits specified in Schedule I" shall be substituted.

Amendment of section 12, Act XLIX of 1920.

**7.** In section 12 of the said Act,—

(*a*) in sub-section (*2*),—

(i) the words "or entitled to rank as officers of His Majesty's Forces" shall be omitted;

(ii) in clause (*a*), for the word "and" the words "or who being so required" shall be substituted, and for the words "until the end of the training year in which he attains the age of thirty-one years" the words "until he is transferred to the Reserve Class by order of the Officer Commanding the corps or unit" shall be substituted; and

(iii) for clauses (*b*) and (*c*) the following clause shall be substituted, namely:—

"(*b*) every such person who is transferred from the Active Class under the provisions of clause (*a*) or who on enrolment is assigned to the Reserve Class by order of the Officer Commanding the corps or unit shall be included in the Reserve Class until discharged from the Auxiliary Force, India, as hereinafter provided.";

(*b*) in sub-section (*3*), the words "to be entitled to rank as an officer of His Majesty's Forces or", the words "section 10 or" and the words "as the case may be" shall be omitted;

(*c*) in sub-section (*4*),—

(i) for the words "either Class of the Reserve" the words "the Reserve Class" shall be substituted;

(ii) for the words "any other Class for which more periodical training is specified in Schedule I", the words "the Active Class" shall be substituted; and

(iii) after the word "shall" the words "if the competent military authority grants the application;" shall be inserted; and

(d) sub-section (5) shall be omitted.

**8.** In section 13 of the said Act,—

Amendment of section 13, Act XLIX of 1920.

(a) or clause (a) of sub-section (1) the following clause shall be substituted, namely:—

"(a) on the recommendation of the Advisory Committee, direct that any enrolled person included in the Active Class shall, for the purposes of periodical training, be included for any stated period in the Reserve Class, or";

and

(b) in sub-section (2), for the words "to each person" the words "in respect of each individual or unit or part thereof" shall be substituted.

**9.** In section 14 of the said Act, for the words "competent military authority", where they first occur, the words "Officer Commanding the corps or unit to which he belongs" shall be substituted.

Amendment of section 14, Act XLIX of 1920.

**10.** In sub-section (2) of section 15 of the said Act, for the words "specified in Schedule I for" the words "to which he is liable in" shall be substituted.

Amendment of section 15, Act XLIX of 1920.

**11.** In sub-section (1) of section 28 of the said Act, the words "or a military officer appointed by him in this behalf" shall be omitted.

Amendment of section 28, Act XLIX of 1920.

**12.** In sub-section (2) of section 30 of the said Act,—

Amendment of section 30, Act XLIX of 1920.

(a) after clause (a) the following clause shall be inserted, namely:—

"(aa) prescribe the authority which shall be the competent military authority for any purpose under this Act;";

(b) to clause (c) the following words shall be added, namely:—

"and the conditions governing applications to be enrolled in a particular branch, corps or unit";

and

(c) in clause (f), before the word "rates" the words "conditions governing the grant of, and the" shall be inserted.

**13.** In Schedule I to the said Act, in item No. 2,—

Amendment of Schedule I, Act XLIX of 1920.

(a) sub-item (2) shall be omitted; and

(b) sub-item (3) shall be re-numbered as sub-item (2), and in that sub-item, as so re-numbered, in the first column, for the words "Second (B) Class Reserve" the words "Reserve Class" shall be substituted, and in the second column, the words "for this Class" shall be omitted.

S. C. GUPTA,
Secy. to the Govt. of India.

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## GOVERNMENT OF INDIA

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 16th February, 1933:—

L. A. BILL NO. 7 OF 1933.

*A Bill to extend the operation of the Wheat (Import Duty) Act, 1931.*

WHEREAS it is expedient to extend the operation of the Wheat (Import Duty) Act, 1931; XV of 1931. It is hereby enacted as follows:—

**1.** This Act may be called the Wheat Import Duty (Extending) Act, 1933.

Short title.

**2.** In sub-section (3) of section 1 of the Wheat (Import Duty) Act, 1931, for the figures XV of 1931. "1933" the figures "1934" shall be substituted.

Amendment of section 1, Act XV of 1931.

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## STATEMENT OF OBJECTS AND REASONS.

Since the passing of the Wheat Import Duty (Extending) Act, 1932, the Government of India have maintained a careful watch on the wheat position in India and they are satisfied that no such change has yet taken place as would justify the removal of the duty at the end of next March. The Bill, therefore, proposes to extend the life-time of the Wheat (Import Duty) Act, 1931, so as to continue the existing duties on wheat and wheat flour for a further period of one year, *viz.*, up to the 31st March, 1934, while retaining power to reduce or remove them by executive action before that date if circumstances so change as to render the duties excessive or unnecessary.

NEW DELHI,
The 11th February, 1933.

J. W. BHORE.

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S. C. GUPTA,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of State on the 16th February, 1933:—

C. OF S. BILL NO. 1 OF 1933.

*A Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose.*

WHEREAS it is expedient further to amend the Negotiable Instruments Act, 1881, for the purpose hereinafter appearing; it is hereby enacted as follows:—

Short title.

1. This Act may be called the Negotiable Instruments (Amendment) Act, 1933.

Amendment of section 85, Act XXVI of 1881.

2. Section 85 of the Negotiable Instruments Act, 1881, shall be renumbered as sub-section (*1*) of section 85, and to the said section so renumbered the following sub-section shall be added, namely:— XXVI 1881.

"(*2*) Where a cheque is originally expressed to be payable to bearer, the drawee is discharged by payment in due course to the bearer thereof, notwithstanding any endorsement whether in full or in blank appearing thereon, and notwithstanding that any such endorsement purports to restrict or exclude further negotiation."

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to amend the Negotiable Instruments Act, 1881, so as to provide that cheques originally drawn to bearer shall not lose their bearer character notwithstanding any endorsement thereon whether in full or in blank and whether such endorsement purports to restrict or exclude further negotiation or not. The necessity for the amendment has arisen out of a ruling of the Bombay High Court that under section 50 of the Negotiable Instruments Act, 1881, and the explanation thereto, a bearer bill can legally be changed to an order bill by endorsement. This makes it incumbent on banks to examine all endorsements upon bearer cheques and thus considerably increases their work and responsibility without any compensatory advantage to their constituents or to the general public. The proposed Bill aims at removing this difficulty of the banks.

J. B. TAYLOR.

NEW DELHI,

The 11th February, 1933.

D. G. MITCHELL,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Report of the Select Committee on the Bill to regulate the possession of wireless telegraphy apparatus was presented to the Legislative Assembly on the 23rd February, 1933:—

WE, the undersigned, Members of the Select Committee to which the Bill to regulate the possession of wireless telegraphy apparatus was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

*Clause 6.*—In deference to the opinion expressed in the debate on the motion to refer the Bill to Select Committee that in view of the provision for confiscation contained in this clause the penalties here laid down are unduly severe, we have reduced the amount of the fine which may be imposed, and have abolished the penalty of imprisonment.

Similarly, in sub-clause (*3*) we have made an amendment to secure that confiscation shall only be ordered in the case of a conviction.

We think that the power to direct payment of money levied as fines to the Broadcasting Service should extend to fines imposed for breaches of the rules. We have accordingly amended sub-clause (*4*) of this clause as introduced and have placed it in a more appropriate position as a separate clause numbered clause 9.

*Clause 7.*—We have amended the clause so as to restrict the power of search to the making of searches by day only.

*Clause 9.*—We have inserted a new entry in sub-clause (*2*) to give power to make a rule requiring a dealer or manufacturer to insist on the production of a licence by an intending purchaser in proper cases.

2. The Bill was published in the Gazette of India, dated the 4th February, 1933.

3. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

B. L. MITTER.
F. NOYCE.
R. M. CHINOY.
ISMAIEL ALI KHAN.
M. C. RAJAH.
L. S. HUDSON.
T. RYAN.

The 21st February, 1933.

L. A. BILL No. 5 OF 1933.

[As amended by the Select Committee.]

[Words printed in italics indicate the amendments suggested by the Committee.]

*A Bill to regulate the possession of wireless telegraphy apparatus.*

WHEREAS it is expedient to regulate the possession of wireless telegraphy apparatus in British India; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Wireless Telegraphy Act, 1933.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "wireless communication" means the making, transmitting or receiving of telegraphic, telephonic or other communications by means of electricity or magnetism without the use of wires or other continuous electrical conductors between the transmitting and the receiving apparatus;

(*2*) "wireless telegraphy apparatus" means any apparatus, appliance, instrument or material used or capable of use in wireless communication, and includes any article determined by rule made under section *10* to be wireless telegraphy apparatus, but does not include any such apparatus, appliance, instrument or material commonly used for other electrical purposes, unless it has been specially designed or adapted for wireless communication or forms part of some apparatus, appliance, instrument or material specially so designed or adapted, nor any article determined by rule made under section *10* not to be wireless telegraphy apparatus; and

(*3*) "prescribed" means prescribed by rules made under section *10*.

Prohibition of possession of wireless telegraphy apparatus without license.

3. Save as provided by section 4, no person shall possess wireless telegraphy apparatus except under and in accordance with a license issued under this Act.

Power of Governor General in Council to exempt persons from provisions of the Act.

4. The Governor General in Council may by rules made under this Act exempt any person or any class of persons from the provisions of this Act either generally or subject to prescribed conditions, or in respect of specified wireless telegraphy apparatus.

Licenses.

5. The telegraph authority constituted under the Indian Telegraph Act, 1885, shall be the authority competent to issue licenses to possess wireless telegraphy apparatus under his Act, and may issue licenses in such manner, on such conditions and subject to such payments as may be prescribed. XIII of 1885.

Offence and penalty.

6. (*1*) Whoever possesses any wireless telegraphy apparatus in contravention of the provisions of section 3 shall be punished, in the case of the first offence, with fine which may extend to *one* hundred rupees, and, in the case of a second or subsequent offence, with * * * * * * fine which may extend to *two hund ed and fifty* rupees * *.

(*2*) For the purposes of this section a Court may presume that a person possesses wireless telegraphy apparatus if such apparatus it under his ostensible charge, or is located in any premises or place over which he has effective control.

(*3*) *If* in the trial of an offence under this section * the accused is convicted * *, the Court shall decide whether any apparatus in respect of which an offence has been committed should be confiscated, and, if it so decides, may order confiscation accordingly.

* * * * *

Power of search.

7. (*1*) A Presidency Magistrate, or a Magistrate of the first class or a Magistrate of the second class specially empowered by the Local Government in this behalf, may issue a warrant for the search, *at any time between sunrise and sunset*, of any building, vessel or place in which he has reason to believe that any wireless telegraphy apparatus, in respect of which an offence punishable under section 6 has been committed, is kept or concealed.

(*2*) The officer to whom a search warrant under sub-section (*1*) is addressed may enter into any building, vessel or place mentioned in the warrant and seize any wireless telegraphy apparatus in respect of which he has reason to believe an offence under section 6 has been committed.

Apparatus confiscated or having no owner to be property of Governor General in Council.

8. All wireless telegraphy apparatus confiscated under the provisions of sub-section (*3*) of section 6 and all wireless telegraphy apparatus having no ostensible owner shall be the property of the Governor General in Council.

*Power of Court to direct payment of fines to prescribed authority.*

**9.** *A Court inflicting a fine as punishment for any offence under section 6 or under the rules made under section 10 may direct that the amount of the fine or any part of it shall be paid to the prescribed authority to be utilised for the benefit of the Indian State Broadcasting Service.*

Power of Governor General in Council to make rules.

**10.** (1) The Governor General in Council may, by notification in the Gazette of India, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(i) determining that any article or class of article shall be or shall not be wireless telegraphy apparatus for the purposes of this Act ;

(ii) the exemption of persons or classes of persons under section 4 from the provisions of this Act ;

(iii) the manner of and the conditions governing the issue, renewal, suspension and cancellation of licenses, the form of licenses, and the payments to be made for the issue and renewal of licenses ;

(iv) the maintenance of records containing details of the acquisition and disposal by sale or otherwise of wireless telegraphy apparatus possessed by dealers in wireless telegraphy apparatus ;*

(v) *the conditions governing the sale of wireless telegraphy apparatus by dealers in and manufacturers of such apparatus ; and*

(vi) determining the authority referred to in * * * section 9.

(3) In making a rule under this section the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to one hundred rupees.

Saving of Indian Telegraph Act, 1885.

**11.** Nothing in this Act contained shall authorise the doing of anything prohibited under the Indian Telegraph Act, 1885, and no license issued under this Act shall authorise any person to do anything for the doing of which a license or permission under the Indian Telegraph Act, 1885, is necessary.

XIII of 1885.

XIII of 1885.

S. C GUPTA,

Secretary to the Government of India.

1961 CS—607—3-3-33—SGPP Lahore.

Registered No. L. 864.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

### Published by Authority

LAHORE, FRIDAY, MARCH 17, 1933.

## PART IV.

### Acts of the Indian Legislature assented to by the Governor-General.

GOVERNMENT OF INDIA.

**LEGISLATIVE DEPARTMENT.**

The following Act of the Indian Legislature received the assent of the Governor General on the 24th February, 1933, and is hereby promulgated for general information:—

ACT No. I OF 1933.

*An Act further to amend the Indian Marine Act, 1887, for a certain purpose.*

WHEREAS it is expedient further to amend the Indian Marine Act, 1887, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Marine (Amendment) Act, 1933.

Short title.

2. In sub-section (*1*) of section 2 of the Indian Marine Act, 1887,—

Amendment of section 2, Act XIV of 1887.

(*a*) in clause (*a*) after the word "means", the brackets and figure "(i)" shall be inserted, and, after the words "provided by this Act;", the following word and sub-clause shall be added, namely:—

"and

(ii) a member of the Royal Indian Marine Volunteer Reserve during and in respect of the time when he is serving in the Indian Marine Service, whether for training or exercise or having been called up for any duty or service for which as a member of such Reserve he is liable;"; and

(*b*) to clause (*b*) the following words shall be added, namely:—

"and includes a person holding any such position in the Royal Indian Marine Volunteer Reserve during and in respect of the time when he is serving in the Indian Marine Service;".

D. G. MITCHELL,
Offg. Secy. to the Govt. of India.

## GOVERNMENT OF INDIA.
## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 24th February, 1933, and is hereby promulgated for general information:—

ACT No. II OF 1933.

*An Act to prohibit the pledging of the labour of children.*

WHEREAS it is expedient to prohibit the making of agreements to pledge the labour of children, and the employment of children whose labour has been pledged; It is hereby enacted as follows:—

Short title and extent.

**1.** (*1*) This Act may be called the Children (Pledging of Labour) Act, 1933.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) This section and sections 2 and 3 shall come into force at once, and the remaining sections of this Act shall come into force on the first day of July, 1933.

Definitions.

**2.** In this Act, unless there is anything repugnant in the subject or context,—

"an agreement to pledge the labour of a child" means an agreement, written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the child to be utilised in any employment:

Provided that an agreement made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child's services, and terminable at not more than a week's notice, is not an agreement within the meaning of this definition;

"child" means a person who is under the age of fifteen years; and

"guardian" includes any person having legal custody of or control over a child.

Agreements contrary to the Act to be void.

**3.** An agreement to pledge the labour of a child shall be void.

Penalty for parent or guardian making agreement to pledge the labour of a child.

**4.** Whoever, being the parent or guardian of a child, makes an agreement to pledge the labour of that child, shall be punished with fine which may extend to fifty rupees.

Penalty for making with a parent or guardian an agreement to pledge labour of a child.

**5.** Whoever makes with the parent or guardian of a child an agreement whereby such parent or guardian pledges the labour of the child shall be punished with fine which may extend to two hundred rupees.

Penalty for employing a child whose labour has been pledged.

**6.** Whoever, knowing or having reason to believe that an agreement has been made to pledge the labour of a child, in furtherance of such agreement employs such child, or permits such child to be employed in any premises or place under his control, shall be punished with fine which may extend to two hundred rupees.

D. G. MITCHELL,
Offg. Secy. to the Govt. of India.

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## GOVERNMENT OF INDIA.
## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 24th February, 1933, and is hereby promulgated for general information:—

ACT No. III OF 1933.

*An Act further to amend the Indian Forest Act, 1927, for a certain purpose.*

XVI of 1927. WHEREAS it is expedient further to amend the Indian Forest Act, 1927, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.

**1.** This Act may be called the Indian Forest (Amendment) Act, 1933.

Amendment of section 2, Act XVI of 1927.

**2.** After clause (*4*) of section 2 of the Indian Forest Act, 1927, the following clause shall be inserted, namely:—

"(*AA*) 'owner' includes a Court of Wards in respect of property under the superintendence or charge of such Court;".

D. G. MITCHELL,
Offg. Secy. to the Govt. of Ind[illegible].

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# Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

## GOVERNMENT OF INDIA.
## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 28th February, 1933:—

L. A. BILL No. 8 OF 1933.

*A Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix*

*maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Stamp Act, 1899, to fix rates of income-tax and super-tax, and further to amend the Indian Paper Currency Act, 1923.*

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff
VIII of 1894. Act, 1894, to fix maximum rate of postage under the Indian Post Office Act, 1898, further
VI of 1898. to amend the Indian Stamp Act, 1899, to fix
II of 1899. rates of income-tax and super tax, and further to amend the Indian Paper Currency Act,
X of 1923. 1923; It is hereby enacted as follows:—

Short title and extent.

**1.** (*1*) This Act may be called the Indian Finance Act, 1933.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

III of 1882.

Fixation of salt duty.

**2.** The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Governor General in Council to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India other than Burma or Aden, be construed as if, for the year beginning on the 1st day of April, 1933, they imposed such duty at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act, be deemed to have been imposed by rule made under that section.

VIII of 1894.

Amendment of Schedule II to Act VIII of 1894.

**3.** (*1*) In the Second Schedule to the Indian Tariff Act, 1894,—

(*a*) after Item No. 41B the following item shall be inserted, namely:—

| | | | |
|---|---|---|---|
| "41C | UPPERS for boots and shoes unless entirely made of leather. | *Ad valorem* | 20 per cent. or two annas per pair, whichever is higher."; |

(*b*) after Item No. 44 the following item shall be inserted, namely:—

| | | | |
|---|---|---|---|
| "45 | SILK OR ARTIFICIAL SILK PIECE-GOODS other than fents of not more than nine yeards in length. | *Ad valorem* | 50 per cent. or four annas per square yard, whichever is higher.'; |

(*c*) in Item No. 45A,—

(*i*) for the entries in the fourth column against sub-items (*a*) and (*b*), the following shall be substituted, namely:—

"35 per cent. or two annas and three pies per square yard, whichever is higher.", and

(*ii*) for the entry in the fourth column against sub-item (*c*), the following shall be substituted, namely:—

"35 per cent."; and

(*d*) for item No. 133, the following item shall be substituted, namely:—

| | |
|---|---|
| "133 | MANUFACTURES of silk or artificial silk not otherwise specified." |

(*2*) Notwithstanding anything contained in section 4 of the Indian Finance Act, 1931, or in section 4 of the Indian Finance (Supplementary and Extending) Act, 1931, the additional duties imposed by those sections shall not be levied on any articles chargeable with duty under Item No. 45 or No. 45A of the Second Schedule to the Indian Tariff Act, VIII o
1894, as amended by this section.

Inland postage rates.

**4.** For the year beginning on the 1st day of April, 1933, the Schedule contained in the First Schedule to this Act shall be inserted in the Indian Post Office Act, 1898, as the VI of
First Schedule to that Act.

Temporary amendment of Act II of 1899.

**5.** With effect on and after the 1st day of July, 1933, and for three years thereafter, the Indian Stamp Act, II of 1
1899, shall be deemed to be amended in the manner specified in the Second Schedule.

Income-tax and super-tax.

**6.** (*1*) Income-tax for the year beginning on the 1st day of April, 1933, shall be charged at the rates specified in Part I of the Third Schedule, increased in each case, except in the case of total incomes of less than two thousand rupees, by one-fourth of the amount of the rate.

(*2*) The rates of super-tax for the year beginning on the 1st day of April, 1933, shall, for the purposes of section 55 of the Indian Income-tax Act, 1922, be those specified in XI of
Part II of the Third Schedule, increased in each case by one-fourth of the amount of the rate.

(*3*) For the purposes of the Third Schedule "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Indian Income-tax XI of 1
Act, 1922.

(*4*) For the purpose of assessing and collecting income-tax on total incomes of less than two thousand rupees the Indian Income-tax Act, 1922, shall be deemed to be subject to the XI of 1
adaptations set out in Part III of the Third Schedule.

Amendment of section 19, Act X of 1923.

**7.** In sub-section (*7*) of section 19 of the Indian Paper Currency Act, 1923, for the figures "1933" the X of 19
figures "1934" shall be substituted.

It is hereby declared that it is expedient in the public interest that the provisions of clause 3 of this Bill should have immediate effect under the provisions of the Provisional Collection of Taxes Act, 1931. XVI of

## SCHEDULE I.

Schedule to be inserted in the Indian Post Office, Act, 1898.

[*See section 4.*]

"THE FIRST SCHEDULE."

INLAND POSTAGE RATES.

[*See section 7.*]

*Letters.*

| | |
|---|---|
| For a weight not exceeding two and a half tolas .. .. .. .. | One anna and three pies. |
| For every two and a half tolas, or fraction thereof, exceeding two and a half tolas .. | One anna and three pies. |
| *Postcards.* | |
| Single .. .. .. .. .. .. .. .. | Nine pies. |
| Reply .. .. .. .. .. .. .. .. | One and a half annas. |
| *Book, Pattern and Sample Packets.* | |
| For every five tolas or fraction thereof .. .. .. .. .. | Half an anna. |
| *Registered Newspapers.* | |
| For a weight not exceeding eight tolas .. .. .. .. .. | Quarter of an anna. |
| For a weight exceeding eight tolas and not exceeding twenty tolas .. .. | Half an anna |
| For every twenty tolas, or fraction thereof, exceeding twenty tolas .. .. | Half an anna. |
| *Parcels.* | |
| For a weight not exceeding twenty tolas .. .. .. .. .. | Two annas. |
| For a weight exceeding twenty tolas and not exceeding forty tolas .. .. | Four annas. |
| For every forty tolas, or fraction thereof, exceeding forty tolas .. .. .. | Four annas." |

## SCHEDULE II.

Temporary amendments to be made in the Indian Stamp Act, 1899.

[*See section 5.*]

1. In section 3,—

(*a*) in clause (*b*), for the words "payable otherwise than on demand" the word ", cheque" shall be substituted; and

(*b*) in clause (*c*) after the words "bill of exchange," the word "cheque" shall be inserted.

2. In clause (*b*) of section 11, after the words "bills of exchange," the word "cheques" shall be inserted.

3. In sub-section (*1*) of section 18, after the words "bill of exchange," the word "cheque" shall be inserted.

4. In section 19,—

(*a*) for the words "payable otherwise than on demand," the word ", cheque" shall be substituted; and

(*b*) in clause (*a*) of the proviso, after the words "any such bill of exchange," the word "cheque" shall be inserted.

5. In section 47, for the words "or promissory note" the words ", promissory note or cheque" shall be substituted, and for the words "or note", wherever they occur thereafter, the words ", note or cheque" shall be substituted.

6. In clause (*c*) of section 49,—

(*a*) for the words "payable otherwise than on demand" the word ", cheques" shall be substituted;

(*b*) in sub-clause (*1*), for the words "any such bill of exchange" the words "any bill of exchange or cheque" shall be substituted and after the words "the acceptance of any bill of exchange" the words "or cheque" shall be inserted; and

(*c*) in sub-clause (*3*), for the words "any such bill of exchange" the words "any bill of exchange, cheque" shall be substituted, after the words "a bill of exchange" the words "or cheque" shall be inserted, and after the words "duly stamped bill of exchange," and the words "with the spoiled bill," the word "cheque" shall be inserted.

7. In clause (*a*) of sub-section (*1*) of section 62, for the words "payable otherwise than on demand" the word ", cheque" shall be substituted.

8. In section 67, the words "payable otherwise than on demand" shall be omitted.

9. In article No. 13 of Schedule I, after the words, figures and brackets " as defined by section 2 *(2)* " the word, figure and brackets " and *(3)* " shall be inserted, and before clause *(b)* the following clause shall be inserted, namely:—

" *(a)* where payable on demand | One anna."

10. After article No. 20 of Schedule I the following article shall be inserted, namely:—

" 21. Cheque as defined by section 2 (7) | One anna."

## SCHEDULE III.

[*See section 6.*]

### PART I.

*Rates of Income-tax.*

A. In the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—

| | Rate. |
|---|---|
| (1) When the total income is Rs. 1,000 or upwards, but is less than Rs. 2,000 .. | Four pies in the rupee. |
| (2) When the total income is Rs. 2,000 or upwards, but is less than Rs. 5,000 .. | Six pies in the rupee. |
| (3) When the total income is Rs. 5,000 or upwards, but is less than Rs. 10,000 .. | Nine pies in the rupee. |
| (4) When the total income is Rs. 10,000 or upwards, but is less than Rs. 15,000 .. | One anna in the rupee. |
| (5) When the total income is Rs. 15,000 or upwards, but is less than Rs. 20,000 .. | One anna and four pies in the rupee. |
| (6) When the total income is Rs. 20,000 or upwards, but is less than Rs. 30,000 .. | One anna and seven pies in the rupee. |
| (7) When the total income is Rs. 30,000 or upwards, but is less than Rs. 40,000 .. | One anna and eleven pies in the rupee. |
| (8) When the total income is Rs. 40,000 or upwards, but is less than Rs. 1,00,000 .. | Two annas and one pie in the rupee. |
| (9) When the total income is Rs. 1,00,000 or upwards .. .. .. | Two annas and two pies in the rupee. |

B. In the case of every company and registered firm, whatever its total income .. Two annas and two pies in the rupee.

### PART II.

*Rates of super-tax.*

In respect of the excess over thirty thousand rupees of total income—

| | Rate. |
|---|---|
| (1) in the case of every company— | |
| *(a)* in respect of the first twenty thousand rupees of such excess .. .. | *Nil.* |
| *(b)* for every rupee of the remainder of such excess .. .. .. | One anna in the rupee. |
| (2) *(a)* in the case of every Hindu undivided family— | |
| *(i)* in respect of the first forty-five thousand rupees of such excess .. | *Nil.* |
| *(ii)* for every rupee of the next twenty-five thousand rupees of such excess.. | One anna and three pies in the rupee. |
| *(b)* in the case of every individual, unregistered firm and other association of individuals not being a registered firm or a company— | |
| *(i)* for every rupee of the first twenty thousand rupees of such excess .. | Nine pies in the rupee. |
| *(ii)* for every rupee of the next fifty thousand rupees of such excess .. | One anna and three pies in the rupee. |
| *(c)* in the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company— | |
| *(i)* for every rupee of the next fifty thousand rupees of such excess .. | One anna and nine pies in the rupee. |
| *(ii)* for every rupee of the next fifty thousand rupees of such excess .. | Two annas and three pies in the rupee. |
| *(iii)* for every rupee of the next fifty thousand rupees of such excess .. | Two annas and nine pies in the rupee. |
| *(iv)* for every rupee of the next fifty thousand rupees of such excess .. | Three annas and three pies in the rupee. |
| *(v)* for every rupee of the next fifty thousand rupees of such excess .. | Three annas and nine pies in the rupee. |
| *(vi)* for every rupee of the next fifty thousand rupees of such excess .. | Four annas and three pies in the rupee. |

| | Rate. |
|---|---|
| (*vii*) for every rupee of the next fifty thousand rupees of such excess .. .. | Four annas and nine pies in the rupee. |
| (*viii*) for every rupee of the next fifty thousand rupees of such excess .. | Five annas and three pies in the rupee. |
| (*ix*) for every rupee of the next fifty thousand rupees of such excess .. | Five annas and nine pies in the rupee. |
| (*x*) for every rupee of the remainder of such excess .. .. | Six annas and three pies in the rupee, |

## PART III.

*Adaptations of the Indian Income-tax Act, 1922, to provide for the summary assessments of income-tax on total incomes of less than Rs. 2,000.*

1. The Income-tax Officer may, save where he has served a notice under sub-section (*2*) of section 22 of the Indian Income-tax Act, 1922, make a summary assessment of the income of an assessee to the best of his judgment, and shall serve on the assessee a notice of demand in a form to be prescribed by the Central Board of Revenue; and such notice shall be deemed to be a notice of demand under section 29 of that Act.

2. Any assessee in respect of whom such summary assessment has been made may, within thirty days of receipt of the notice of demand, make an application to the Income-tax Officer for the cancellation or revision of the assessment, and the Income-tax Officer shall, after examining any accounts and documents and hearing any evidence which the assessee may produce, and such other evidence as the Income-tax Officer may require, determine, by order in writing, the amount of the tax, if any, payable by the assessee, and such determination shall be final:

Provided that, if any assessee making such application files therewith a return of his income under sub-section (*2*) of section 22 of the Indian Income-tax Act, 1922, the application shall be deemed to be a return under that sub-section and shall be dealt with accordingly.

3. A copy of an order under paragraph 2 shall be served on the assessee to whom it relates and shall be deemed to be a notice of demand under section 29 of the Indian Income-tax Act, 1922.

4. The above procedure shall apply also to the assessment and collection during the financial year 1933-34 of incomes of Rs. 1,000 and upward and less than Rs. 2,000 which have escaped assessment in the financial year 1932-33.

## STATEMENT OF OBJECTS AND REASONS.

he object of this Bill is to continue for a ther period of one year certain duties and es imposed under the Indian Finance Act, 1, read with the Indian Finance (Supplentary and Extending) Act, 1931.

. Clauses 2, 4, 6 and 7 provide for the tinuance for a further period of one year of existing provisions regarding salt duty, nd postage rates, rates of income-tax and er-tax and the credit to revenue of interest securities forming part of the Paper Curcy Reserve. The duty of one rupee four as per maund on salt remains liable to the itional duty imposed by section 5 of the ian Finance (Supplementary and Extend-) Act, 1931.

s it is proposed to retain the tax on in es of Rs. 1,000 and upwards and below 2,000 per annum, clause 6 (*4*) provides for continuance of the existing procedure for assessment of such incomes, which has aly been approved by the Legislature.

3. Clause 3 provides for the following alterations in customs tariff:—

(*i*) it fixes a minimum specific duty of 2½ annas including surcharge on uppers of boots and shoes not made entirely of leather;

(*ii*) it fixes minimum specific duties of 4 annas per square yard and 2 annas and three pies per square yard respectively, with no surcharge, on artificial silk piece-goods and artificial silk mixtures and rounds off the existing *ad valorem* duty, including surcharge, of 34⅜ths per cent. on artificial silk mixtures to 35 per cent. with no surcharge.

The reasons for making these changes have been fully explained in my budget speech.

4. Clause 5 provides for the re-impisition of the stamp duty on cheques and on bills of exchange which are payable on demand for a limited period of three years from the 1st July, 1933. The object of this provision is also explained in my budget speech.

NEW DELHI;
28th February, 1933.

GEORGE SCHUSTER.

S. C. GUPTA,
Secy. to the Govt. of India.

Registered No. L. 86 L

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, MARCH 24, 1933.

## PART IV.

**Bills introduced in the Council of State and Legislative Assembly Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

GOVERNMENT OF INDIA.

### LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 18th March, 1933 :—

L. A. BILL No. 9 OF 1933.

*A Bill to amend the Cotton Textile Industry (Protection) Act, 1930.*

WHEREAS it is expedient to continue for a further period the protection already given to the cotton textile industry in British India, and for that purpose to extend the operation of the duties imposed by the Cotton Textile Industry (Protection) Act, 1930 ; It is hereby enacted as follows :— XVII of 1930.

Short title.

1. This Act may be called the Cotton Textile Industry Protection (Amendment) Act, 1933.

Amendment of sections 2 and 3, Act XVII of 1930.

2. In sub-section (2) of section 2, and in sub-section (2) of section 3 of the Cotton Textile Industry (Protection) Act, 1930, for the word "March" the word "October" shall be substituted. XVII of 1930.

STATEMENT OF OBJECTS AND REASONS.

By the Cotton Textile Industry (Protection) Act, 1930, protective duties were imposed on cotton piece-goods for a period of three years in order to give the cotton mill industry in India temporary shelter against foreign competition. By the same Act the operation of the duty imposed by the Indian Tariff (Cotton Yarn Amendment) Act, 1927, was extended for a further period of three years on account of the unfair competition arising from the prevalence of inferior labour conditions in China. These duties will expire on the 31st March, 1933. An assurance was, however, given by Government



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to the Lsgislature, when the Cotton Textile Industry (Protection) Bill was under consideration, that before the termination of the three-year period the effect of the duties on the production of cotton piece-goods in India and on the Indian cotton textile industry would be examined in a Tariff Board enquiry.

2. The enquiry has been held, but the Board's report was received by the Government of India later than they had originally hoped and the pressure of urgent public business has left insufficient time for the full consideration by Government of a matter of such great importance and complexity. A final decision with regard to the report has not yet been reached and it has, therefore, become necessary to take steps to meet the situation which will arise when the Cotton Textile Industry (Protection) Act, 1930, expires on March 31st, 1933. The Bill, accordingly, proposes to extend the operation of the duties imposed by the said Act up to the 31st October, 1933, pending formulation of the decision of the Government of India in the matter of the continued protection to the cotton textile industry.

NEW DELHI : J. W. BHORE.

The 2nd March, 1933.

S. C. GUPTA,

Secretary to the Government of India.

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GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 16th March, 1933 :—

L. A. BILL No. 10 OF 1933.

*A Bill to supplement the Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932.*

1894. WHEREAS it is expedient to amend the Indian Tariff Act, 1894, in order to supplement the Indian Tariff (Ottawa Trade Ag-
1932. reement) Amendment Act, 1932 ; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Indian Tariff (Ottawa Trade Agreement) Supplementary Amendment Act, 1933.

894. Amendment of the Second Schedule to Act VIII of 1894. **2.** In the Second Schedule to the Indian Tariff Act, 1894, there shall be made the amendments specified in the Schedule to this Act.

THE SCHEDULE.

*(See section 2.)*

*Amendments to the Second Schedule to the Indian Tariff Act, 1894.*

**1.** In Item No. 50, after the word " green " the words and brackets " (ferrous sulphate) " shall be added.

**2.** In Item No. 88, the words " ferrous sulphate, " shall be omitted.

**3.** In Item No. 93, after the words " white lead, " the words " moist white lead, " shall be inserted.

**4.** In Item No. 98, the words ", copper braziers " shall be omitted.

**5.** After Item No. 98, the following heading and item shall be inserted, namely :—

" PAPER, PASTEBOARD AND STATIONERY.

99 | PRINTING PAPER, all sorts not otherwise specified which contain mechanical wood pulpe amounting to not less than 70 percent. of the fibre content ; and STRAW BOARD, all sorts. "

**6.** Item No. 117 shall be omitted.

**7.** After Item No. 118, the following item shall be inserted, namely :—

" 119 | TEA CHESTS and parts and fittings thereof. "

**8.** In Item No. 185, after the word " specified, " the words " including incandescent mantles but " shall be inserted.

**9.** In Item No. 197, for the word " AND, " where it first occurs, the words ", including chrome, marble, flint, poster and stereo printing paper ; " shall be substituted.

**10.** In Item No. 222, for the entry in the second column the following entry shall be substituted, namely :—

" LUBRICATING OIL, that is, oil such as is not ordinarily used for any other purpose than lubrication, excluding any mineral oil which has its flashing point below two hundred degrees of the Fahrenheit thermometer by Abel's close est. "

**11.** In Item No. 228, the figures and words " 15 per cent. " in the sixth column shall be omitted.

**12.** In Item No. 229, for the figures " 231 " the figures " 230 " shall be substituted.

**13.** After Item No. 232 the following item shall be inserted, namely :—

| | | | | | |
|---|---|---|---|---|---|
| " 232 A | Gold or gold-plated PEN NIBS. | *Ad valorem* | 50 per cent. | 40 per cent. | .. " |

**14.** After Item No. 240, the following item shall be inserted, namely :—

| | | | | | |
|---|---|---|---|---|---|
| " 240 A | The following GLASS-MAKING MATERIALS, namely, liquid gold, and covered crucibles for glass-making. | *Advalorem* | 25 per cent. | 15 per cent. | .. " |

## STATEMENT OF OBJECTS AND REASONS.

A few inaccuracies and discrepancies in the Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932, have been brought to light by a further scrutiny of the Schedules to that Act and by practical experience of the new tariffs, and the object of this Bill is to correct them. The substance of the Bill is contained in the Schedule of amendments, the items whereof are explained below in detail.

*Items 1 and 2.*—Ferrous sulphate (green iron sulphate) is the same substance as green copper as specified in Item No. 50 of the Import Schedule. Its inclusion in Item No. 88 was by inadvertence. These two items delete the reference to ferrous sulphate in Item No. 88 and amend Item No. 50 so as to avoid misconception in the future.

*Item 3.*—Supplies an omission by including moist white lead among the painters' materials which are not subject to preferential duties.

*Item 4.*—In accordance with the Trade Agreement copper sheets and copper braziers have been made dutiable under Item No. 196 and Item No. 98, respectively, of the Import Schedule. It is now found that in practice no distinction between the two is recognised by the trade, and it is accordingly proposed to delete the reference to copper braziers in Item No. 98 of the Schedule so that they will become automatically included in Item No. 196.

*Item 5, 6 and 9.*—Newsprint is expressly excluded from preference by No. 120 of Schedule F to the Ottawa Trade Agreement. No heading for newsprint as such exists in the Import Schedule, but Item No. 155 of that Schedule, which gives protection to printing paper other than newsprint, defines newsprint by implication as being printing paper in which the mechanical wood pulp amounts to not less than 70 per cent. of the fibre content. The Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932, makes this class of paper dutiable under Item No. 197 of the Import Schedule with the unintended result that preference has been given to the United Kingdom in respect of it. It is proposed to correct this by specifically including in Item No. 197 only those kinds of printing paper which are specifically excluded from the protective duty in Item No. 155, namely, chrome, marble, flint, poster and stereo printing paper, and to restore newsprint to the non-preferential part of the Schedule as Item No. 99 in Part V.

At the same time opportunity has been taken to reduce the miscellaneous heads by omitting Item No. 117, relating to straw board, and including straw board in Item No. 99 along with newsprint.

*Item 7.*—Tea chests and parts and fittings thereof are not required to be given preference under the Trade Agreement. These are not specified in the Import Schedule, and to make the position clear it is proposed to insert a specific item in Part V of the Import Schedule making them subject to the ordinary non-preferential rate of duty.

*Item 8.*—By No. 48 of Schedule F of the Trade Agreement gas mantles of British origin are entitled to 10 per cent. preference. To secure this quite definitely, and to ensure that these articles when made of artificial silk are not assessed under Item No. 133 of the Import Schedule, the words "incandescent mantles" have been specifically included in Item No. 185.

*Item 10.*—Most lubricating oils are mixtures of mineral and non-mineral oils. In practice it has hitherto been found necessary to require lubricating oils containing more than 7 per cent. of non-mineral constituents to be assessed to duty as composite articles; but owing to the existence in the new form of the Import Schedule of a large number of separate heads for oil dutiable at various rates, the application of this principle has, for administrative reasons, become impracticable. The entry in column 2 of Item No. 222 has accordingly been redrafted, so as to include in the item oils other than mineral, pure and mixed, which are not ordinarily used for any purpose other than lubrication.

*Item 11.*—The Trade Agreement provides for the grant to the Colonies of preference on "Drugs and Medicines," and on soda ash and other carbonates of soda, and for no preference on other chemicals. Since, however, customs and administrative difficulties make it impossible to differentiate between unspecified chemicals on the one hand and drugs and medicines on the other, unspecified chemicals, if any, which are the produce of the Colonies, were included along with drugs and medicines in Item No. 181. This condition does not obtain in regard to the specified glass-making chemicals included in Item No. 228, in respect of which there need be no Colonial preference. Accordingly it is proposed to delete the entry in the last column.

*Item 12.*—Corrects a wrong reference.

*Item 13.*—Fountain pens are included under "Stationery" in the Trade Returns, but according to a long-standing rule fountain pens with gold nibs are assessed to duty as

composite articles ; so that, while the barrels are dutiable as Stationery, the nibs are assessed as manufactures of gold. The preference given by the Trade Agreement has, therefore to be provided for separately for gold nibs and it is proposed to insert in the Import Schedule a new Item No. 232A for gold and gold-plated nibs, and to fix the preferential rate of duty on them at 40 per cent. *ad valorem* and the standard rate at 50 per cent *ad volorem*.

*Item 14.*—A specially low duty was fixed under Item No. 228 of the Import Schedule for certain chemicals, on representations made by the glass-making industry. The representations included reference to two other articles, namely, liquid gold and crucibles for glass-making ; but action in respect of these was deferred as it was not known if the terms used were sufficiently precise for a statutory schedule. The industry was given relief meanwhile by a notification under section 23 of the Sea Customs Act. These two articles are now included in proposed Item No. 240A, with a standard duty of 25 per cent. and a preferential duty of 15 per cent. *ad valorem*.

NEW DELHI :
The 11th March 1933.

J. W. BHORE.

S. C. GUPTA,
Secretary to the Govt. of India.

GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 16th March, 1933 :—

L. A. BILL NO. 11 OF 1933.

*A Bill to supplement the provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay special (Emergency) Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law (Amendment) Act, 1932, for certain purposes.*

WHEREAS it is expedient to supplement by legislations in the Indian Legislature the provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay Special (Emergency) Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law (Amendment) Act, 1932, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Provincial Criminal Law Supplementing Act, 1933.

Appeals.

2. (*1*) An appeal shall lie to the High Court of Judicature at Fort William in Bengal from—

(*a*) any sentence passed by a Special Magistrate in any trial held under the Bengal Public Security Act, 1932, in the Presidency-town of Calcatta, and

(*b*) any sentence of imprisonment for a term exceeding 4 years passed by a Special Magistrate in any trial under the said Act held outside the Presidency-town of Calcutta.

(*2*) An appeal under sub-section (*1*) shall be presented within thirty days from the date of the sentence, and shall be disposed of by the High Court in the manner provided in Chapter XXXI of the Code of Criminal Procedure, 1898, for the hearing of appeals. V of 1898.

Effect of certain sections in provincial Acts.

3. Section 15 of the Bihar and Orissa Public Safety Act, 1933, section 29 of the Bombay Special (Emergency) Powers Act, 1932, and section 14 of the United Provinces Special Powers Act, 1932, shall have effect as if these sections had been enacted by the Indian Legislature. B. and O. Act of 1933. Bom. Act XVI of 1932. U. P. Act XIV of 1932.

Jurisdiction barred.

4. Except as provided in the Bengal Public Security Act, 1932, as supplemented by this Act, no proceeding or order purporting to be taken or made under the Bengal Public Security Act, 1932, shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under the said Act or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under the said Act. Ben. Act XXII of 1932. Ben. Act XXII of 1932.

Bar of issue of directions of the nature of a *habeas corpus*.

5. The powers conferred by section 491 of the Code of Criminal Procedure, 1898, shall not be exercised in respect of any person arrested, or commmitted to or detained in custody under the provisions of the Punjab Criminal Law (Amendment) Act, 1932. V of 1898. Punj. Act III of 1932.

STATEMENT OF OBJECTS AND REASONS.

The enactments passed by certain provincial Legislatures to replace some of the provisions of the Special Powers of Ordinance, X of 1932, contain provisions which require to be supplemented by an Act of the Indian Legislature. It is proposed by this Act to provide for appeals to the High Court in certain cases and to exclude their jurisdiction in other matters.

NEW DELHI : H. G. HAIG.

The 9th March, 1933.

NOTES ON CLAUSES.

*Clause 2.*—It is not within the power of the local Legislature to pass the legislation necessary to provide for appeals to the High Court from sentences passed by Special Magistrates under the local Act. Where appeals lie to a Court of Session the local Act has provided for them. This clause provides for appeals in cases left unprovided for by the local Act.

*Clause 3.*—The three local Acts re-enact the provisions contained in section 78 of Ordinance X of 1932. Whereas, however, section 78 of the Ordinance excluded the jurisdiction of High Courts, enactments in the local Acts have no such effect. This clause is designed to supplement them in this respect.

*Clause 4.*—This clause does for section 27 of the Bengal Public Security Act, 1932, what clause 3 does for the local Acts therein referred to.

*Clause 5.*—This clause, on the analogy of section 491 (*3*) of the Criminal Procedure Code, bars jurisdiction under the powers conferred by that section in respect of action taken under section 2 of the Punjab Criminal Law (Amendment) Act, 1932.

S. C. GUPTA,

Secretary to the Government of India.

2079 CS—607—24-3-33—SGPP Lahore.

The following Bill was introduced in the Legislative Assembly on the 16th March 1933:—

LEGISLATIVE ASSEMBLY BILL No. 11 OF 1933.

*A Bill to supplement the provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay Special Emergency Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law (Amendment) Act, 1932, for certain purposes.*

WHEREAS it is expedient to supplement by legislation in the Indian Legislature certain provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay Special Emergency Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law (Amendment) Act, 1932, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the [illegible]

2. (1) [illegible] to the High Court [illegible] Judicature [illegible] Bengal [illegible]

[illegible] by a Special [illegible]

(2) An appeal under sub-section (1) shall be presented within thirty days from the date of the sentence, and shall be disposed of by a High Court in the manner provided in Chapter XXXI of the Code of Criminal Procedure, 1898, for the hearing of appeals. V of 1898.

Amendment of certain sections in provincial Acts.

3. Section 10 of the Bihar and Orissa Public Safety Act, 1933, section 15 of the Bombay Special (Emergency) Powers Act, 1932, and section 14 of the United Provinces Special Powers Act, 1932, shall have effect as if those sections had been enacted by the Indian Legislature. B. and O. Act [illegible] of 1933. Bom. Act XVI of 1932. U. P. Act XIV of 1932.

Exclusion of [illegible]

4. Except as provided in the Bengal Public Security Act, 1932, as supplemented by this Act, no proceeding or order purporting to be taken or made under the Bengal Public Security Act, 1932, shall be called in question by any Court, and no suit or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under the said Act or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under the said Act. Ben. Act XXIII of 1932.

[illegible]

5. The powers conferred by section 491 of the Code of Criminal Procedure, 1898, shall not be exercised in respect of persons arrested or committed to or detained in custody under the provisions of the Punjab Criminal Law (Amendment) Act, 1932. V of 1898. Punjab Act III of 1932.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, MARCH 31, 1933.

## PART IV.

**Bill introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of State on the 20th March, 1933 :—

C. OF S. BILL NO. 2 OF 1933.

*A Bill to amend the Legal Practioners Act, 1879.*

VIII of WHEREAS it is expedient to amend the Legal Practitioners Act, 1879, hereinafter referred to as "the said Act," for the purposes hereinafter appearing ;

It is hereby enacted as follows, namely :—

eil. 1. (*1*) This Act may be called the Legal Practitioners Amendment Act, 193 , and shall apply to the whole of British India.

(*2*) It shall come into force at once.

2. At the end of the section 13 of the said Act, add the following explanation :—

"The words 'reasonable cause' in clause (*f*) refer to and must be intended always to have referred only to acts done in professional capacity."

STATEMENT OF OBJECTS AND REASONS.

The Bill is necessitated by the tendency of the High Courts to assume jurisdiction over the public and the private activities of a practitioner unconnected with his professional capacity.

The Legal Practitioners Act must have intended only to take notice of professional malpractices. The superintendence and control by the High Courts over non-professional activities of practitioners is being justly resented.

The jurisdiction of the High Court in this matter is founded always on the general words used in section 13, clause (*f*), which according to the established canons of interpretation must refer to a course 'ejusdem generis'. The Lordships of the Privy Council in interpreting a similar clause in order 47, rule 1 of the Civil Procedure Code, have held it to mean a reason sufficient on the grounds at least analogous to those specified immediately previously.

This Bill is meant to remove the doubt regarding the interpretation of clause 13 (*f*) and to restrict its scope definitely to professional misconduct.

The Bill is given retrospective effect to remove the hardship done to practitioners by the wrong interpretation of clause 13 (*f*).

NAGPUR:<br>
The 8th February, 1933. } V. V. KALIKAR.

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D. G. MITCHELL,<br>
Offg. Secretary to the Government of India.

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GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 20th March, 1933:—

L. A. BILL No. 12 OF 1933.

*A Bill further to extend the operation of the Salt (Additional Import Duty) Act, 1931.*

WHEREAS it is expedient further to extend the operation of the Salt (Additional Import Duty) Act, 1931, it is hereby enacted as follows:—

1. This Act may be called the Salt Additional Import Duty (Extending) Act, 1933.

Short title.

2. In sub-section (*3*) of section 1 of the Salt (Additional Import Duty) Act, 1931 (hereinafter referred to as the said Act, for the figures "1933" the figures "1934," shall be substituted. XIV 1931.

Amendment of section 1, Act XIV of 1931.

3. In sub-section (*1*) of section 3 of the said Act, for the words "four" the word "two" shall be substituted.

Amendment of section 3, Act XIV of 1931.

4. In sub-section (*4*) of section 5 of the said Act, for the word "sixty-three rupees eleven annas," in both places where the words occur, the words "fifty-four rupees twelve annas" shall be substituted.

Amendment of section 5, Act XIV of 1931.

STATEMENT OF OBJECTS AND REASONS.

The purpose of this Bill is to give effect to the recommendation made by the Salt Industry Committee of the Legislative Assembly, for reasons stated in their Report, that the life of the Salt (Additional Import Duty) Act, 1931, should be extended for another year, subject to certain modifications.

NEW DELHI:<br>
The 16th March, 1933. } GEORGE SCHUSTER.

S. C. GUPTA,<br>
Secretary to the Government of India.

2135 CS—607—31-3-33—SGPP Lahore.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, APRIL 21, 1933.

## PART IV.

### Acts of the Indian Legislature assented to by the Governor-General.

GOVERNMENT OF INDIA.

**LEGISLATIVE DEPARTMENT.**

The following Act of the Indian Legislature received the assent of the Governor-General on the 28th March, 1933, and is hereby promulgated for general information:—

ACT NO. IV OF 1933.

*An Act to amend the Cotton Textile Industry (Protection) Act, 1930.*

WHEREAS it is expedient to continue for a further period the protection already given to the cotton textile industry in British India, and for that purpose to extend the operation of the duties imposed by the Cotton Textile Industry (Protection) Act, 1930; It is hereby enacted as follows:—

Short title.

**1.** This Act may be called the Cotton Textile Industry Protection (Amendment) Act, 1933.

Amendment of sections 2 and 3, Act XVII of 1930.

**2.** In sub-section (2) of section 2, and in sub-section (2) of section 3 of the Cotton Textile Industry (Protection) Act, 1930, for the word "March" the word "October" shall be substituted.

D. G. MITCHELL,

Offg. Secy. to the Govt. of India.

The following Act of the Indian Legislature received the assent of the Governor-General on the 28th March, 1933, and is hereby promulgated for general information:—

ACT NO. V OF 1933.

*An Act to extend the operation of the Wheat (Import Duty) Act, 1931.*

WHEREAS it is expedient to extend the operation of the Wheat (Import Duty) Act, 1931; It is hereby enacted as follows:—

Short title.

**1.** This Act may be called the Wheat Import Duty (Extending) Act, 1933.

Amendment of section 1, Act XV of 1931.

**2.** In sub-section (3) of section 1 of the Wheat (Import Duty) Act, 1931, for the figures "1933" the figures "1934" shall be substituted.

D. G. MITCHELL,

Offg. Secy. to the Govt. of India

The following Act of the Indian Legislature received the assent of the Governor-General on the 30th March, 1933, and is hereby promulgated for general information :—

ACT No. VI OF 1933.

*An Act further to extend the operation of the Salt (Additional Import Duty) Act, 1931.*

1931. WHEREAS it is expedient further to extend the operation of the Salt (Additional Import Duty) Act, 1931; It is hereby enacted as follows :—

Short title.

**1.** This Act may be called the Salt Additional Import Duty (Extending) Act, 1933.

Amendment of section 1, Act XIV of 1931.

**2.** In sub-section (*3*) of section 1 of the Salt (Additional Import Duty) Act, 1931 (hereinafter referred to as the said Act), for the figures "1933" the figures "1934" shall be substituted. XIV of

Amendment of section 3, Act XIV of 1931.

**3.** In sub-section (*1*) of section 3 of the said Act, for the word "four" the word "two" shall be substituted.

Amendment of section 5, Act XIV of 1931.

**4.** In sub-section (*4*) of section 5 of the said Act, for the words "sixty-three rupees eleven annas", in both places where the words occur, the words "fifty-four rupees twelve annas" shall be substituted.

D. G. MITCHELL,

Offg. Secy. to the Govt. of India.

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The following Act of the Indian Legislature received the assent of the Governor-General on the 31st March, 1933, and is hereby promulgated for general information :—

ACT No. VII OF 1933.

*An Act to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax, and further to amend the Indian Paper Currency Act, 1923.*

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff
1894. Act, 1894, to fix maximum rates of postage
898. under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax, and further to amend the Indian Paper Currency Act,
23. 1923; It is hereby enacted as follows :—

Short title and extent.

**1.** (*1*) This Act may be called the Indian Finance Act, 1933.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Paraganas.

Fixation of salt duty.

1882. **2.** The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Governor-General in Council to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India other than Burma or Aden, be construed as if, for the year beginning on the 1st day of April, 1933, they imposed such duty at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act, be deemed to have been imposed by rule made under that section.

Amendment of Schedule II to Act VIII of 1894.

**3.** (*1*) In the Second Schedule to the Indian Tariff Act, 1894,— VIII of

(*a*) after Item No. 41B the following item shall be inserted, namely :—

| | | | |
|---|---|---|---|
| "41C | UPPERS for boots and shoes unless entirely made of leather. | *Ad valorem* .. | 20 per cent. or two annas per pair, whichever is higher"; |

(*b*) after Item No. 44 the following item shall be inserted, namely :—

| | | | |
|---|---|---|---|
| "45 | ARTIFICIAL SILK PIECE-GOODS other than fents or not more than nine yards in length. | *Ad valorem* .. | 50 per cent. or four annas per square yard whichever is higher"; |

(*c*) in item No. 45A,—

(*i*) for the entries in the fourth column against sub-items (*a*) and (*b*), the following shall be substituted, namely :—

"35 per cent. or two annas and three pies per square yard, whichever is higher.",

(*ii*) for the entry in the fourth column against sub-item (*c*), the following shall be substituted, namely :—

"35 per cent.", and

(*iii*) after sub-item (*c*) the following proviso shall be inserted in the second column, namely :—

"Provided that the duty on fents of not more than nine yards in length of fabrics specified in sub-items (*a*) and (*b*) shall be 35 per cent. *ad valorem*."; and

(*d*) for Item No. 133, the following item shall be substituted, namely :—

| | |
|---|---|
| "133 | MANUFACTURES of silk or artificial silk not otherwise specified." |

(2) Notwithstanding anything contained in section 4 of the Indian Finance Act, 1931, or in section 4 of the Indian Finance (Supplementary and Extending) Act, 1931, the additional duties imposed by those sections shall not be levied on any articles chargeable with duty under Item No. 45 or No. 45A of the Second Schedule to the Indian Tariff Act, 1894, as amended by this section. VIII of 1894.

Inland postage rates.

**4.** For the year beginning on the 1st day of April, 1933, the Schedule contained in the First Schedule to this Act shall be inserted in the Indian Post Office Act, 1898, as the First Schedule to that Act. VI of 1898.

Income-tax and super-tax.

**5.** (1) Income-tax for the year beginning on the 1st day of April, 1933, shall be charged at the rates specified in Part I of the Second Schedule, increased in each case, except in the case of total incomes of less than two thousand rupees, by one-fourth of the amount of the rate.

(2) The rates of super-tax for the year beginning on the 1st day of April, 1933, shall, for the purposes of section 55 of the Indian Income-tax Act, 1922, be those specified in Part II of the Second Schedule, increased in each case by one-fourth of the amount of the rate. XI of

(3) For the purposes of the Second Schedule "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Indian Income-tax Act, 1922. XI of

(4) For the purpose of assessing and collecting income-tax on total incomes of less than two thousand rupees the Indian Income-tax Act, 1922, shall be deemed to be subject to the adaptations set out in Part III of the Second Schedule. XI of

Amendment of section 19, Act X of 1923.

**6.** In sub-section (7) of section 19 of the Indian Paper Currency Act, 1923, for the figures "1933" the figures "1934" shall be substituted. X of

## SCHEDULE I.

Schedule to be inserted in the Indian Post Office Act, 1898.

[*See section 4.*]

"THE FIRST SCHEDULE.

INLAND POSTAGE RATES.

[*See section 7.*]

*Letters.*

| | |
|---|---|
| For a weight not exceeding two and a half tolas .. .. .. .. | One anna and three pies. |
| For every two and a half tolas, or fraction thereof, exceeding two and a half tolas .. | One anna and three pies. |

*Postcards.*

| | |
|---|---|
| Single .. .. .. .. .. .. .. .. | Nine pies. |
| Reply .. .. .. .. .. .. .. .. | One and a half annas. |

*Book, Pattern and Sample Packets.*

| | |
|---|---|
| For every five tolas or fraction thereof .. .. .. .. .. | Half an anna. |

*Registered Newspapers.*

| | |
|---|---|
| For a weight not exceeding eight tolas .. .. .. .. .. .. | Quarter of an anna. |
| For a weight exceeding eight tolas and not exceeding twenty tolas .. .. | Half an anna. |
| For every twenty tolas, or fraction thereof, exceeding twenty tolas .. .. | Half an anna. |

*Parcels.*

| | |
|---|---|
| For a weight not exceeding twenty tolas .. .. .. .. .. | Two annas. |
| For a weight exceeding twenty tolas and not exceeding forty tolas .. .. | Four annas. |
| For every forty tolas, or fraction thereof, exceeding forty tolas .. .. .. | Four annas." |

## SCHEDULE II.

[*See section 5.*]

PART I.

*Rates of Income-tax.*

| | |
|---|---|
| A. In the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company— | Rate. |
| (1) When the total income is Rs. 1,000 or upwards, but is less than Rs. 1,500 .. | Two pies in the rupee: (Provided that for the purpose of any assessment to be made for the year ending 31st March, 1934, the rate of income-tax |

Rate. applicable to such part of the total income of an assessee as is derived from salaries or from interest on securities paid in the financial year 1932-33 shall be four pies in the rupee, and for the purposes of refunds under sub-section(1) or sub-section (3) of section 48 in respect of dividends declared in the year ending 31st March, 1933, or of payments made in the said year of interest on securities or salaries, the rate applicable to the total income of the person claiming refund shall be at the rate of four pies).

| | |
|---|---|
| (2) When the total income is Rs. 1,500 or upwards, but is less than Rs. 2,000 .. | Four pies in the rupee. |
| (3) When the total income is Rs. 2,000 or upwards, but is less than Rs. 5,000 .. | Six pies in the rupee. |
| (4) When the total income is Rs. 5,000 or upwards, but is less than Rs. 10,000 .. | Nine pies in the rupee. |
| (5) When the total income is Rs. 10,000 or upwards, but is less than Rs. 15,000 .. | One anna in the rupee. |
| (6) When the total income is Rs. 15,000 or upwards, but is less than Rs. 20,000 .. | One anna and four pies in the rupee. |
| (7) When the total income is Rs. 20,000 or upwards, but is less than Rs. 30,000 .. | One anna and seven pies in the rupee. |
| (8) When the total income is Rs. 30,000 or upwards, but is less than Rs. 40,000 .. | One anna and eleven pies in the rupee. |
| (9) When the total income is Rs. 40,000 or upwards, but is less than Rs. 1,00,000 .. | Two annas and one pie in the rupee. |
| (10) When the total income is Rs. 1,00,000 or upwards .. .. .. | Two annas and two pies in the rupee. |
| B. In the case of every company and registered firm, whatever its total income .. .. | Two annas and two pies in the rupee. |

## PART II.

### *Rates of Super-tax.*

In respect of the excess over thirty thousand rupees of total income—

| | Rate. |
|---|---|
| (1) in the case of every company— | |
| (a) in respect of the first twenty thousand rupees of such excess .. .. | *Nil.* |
| (b) for every rupee of the remainder of such excess .. .. .. | One anna in the rupee. |
| (2) (a) in the case of every Hindu undivided family— | |
| (i) in respect of the first forty-five thousand rupees of such excess .. .. | *Nil.* |
| (ii) for every rupee of the next twenty-five thousand rupees of such excess .. | One anna and three pies in the rupee. |
| (b) in the case of every individual, unregistered firm and other association of individuals not being a registered firm or a company— | |
| (i) for every rupee of the first twenty thousand rupees of such excess .. | Nine pies in the rupee. |
| (ii) for every rupee of the next fifty thousand rupees of such excess .. .. | One anna and three pies in the rupee. |

| (c) in the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company— | Rate. |
|---|---|
| (i) for every rupee of the next fifty thousand rupees of such excess .. .. | One anna and nine pies in the rupee. |
| (ii) for every rupee of the next fifty thousand rupees of such excess .. .. | Two annas and three pies in the rupee. |
| (iii) for every rupee of the next fifty thousand rupees of such excess .. .. | Two annas and nine pies in the rupee. |
| (iv) for every rupee of the next fifty thousand rupees of such excess .. .. | Three annas and three pies in the rupee. |
| (v) for every rupee of the next fifty thousand rupees of such excess .. .. | Three annas and nine pies in the rupee. |
| (vi) for every rupee of the next fifty thousand rupees of such excess .. .. | Four annas and three pies in the rupee. |
| (vii) for every rupee of the next fifty thousand rupees of such excess .. .. | Four annas and nine pies in the rupee. |
| (viii) for every rupee of the next fifty thousand rupees of such excess .. .. | Five annas and three pies in the rupee. |
| (ix) for every rupee of the next fifty thousand rupees of such excess .. .. | Five annas and nine pies in the rupee. |
| (x) for every rupee of the remainder of such excess .. ... .. | Six annas and three pies in the rupee. |

PART III.

*Adaptations of the Indian Income-tax Act, 1922, to provide for the summary assessments of income-tax on total incomes of less than Rs. 2,000.*

1. The Income-tax Officer may, save where he has served a notice under sub-section (*2*) of section 22 of the Indian Income-tax Act, 1922, make a summary assessment of the income of an assessee to the best of his judgment, and shall serve on the assessee a notice of demand in a form to be prescribed by the Central Board of Revenue; and such notice shall be deemed to be a notice of demand under section 29 of that Act.

2. Any assessee in respect of whom such summary assessment has been made may, within thirty days of receipt of the notice of demand, make an application to the Incom-tax Officer for the cancellation or revision of the assessment, and the Income-tax Officer shall, after examining any accounts and documents and hearing any evidence which the assessee may produce, and such other evidence as the Income-tax Officer may require, determine, by order in writing, the amount of the tax, if any, payable by the assessee, and such determination shall be final:

Provided that, if any assessee making such application files therewith a return of his income under sub-section (*2*) of section 22 of the Indian Income-tax Act, 1922, the application shall be deemed to be a return under that sub-section and shall be dealt with accordingly.

3. A copy of an order under paragraph 2 shall be served on the assessee to whom it relates and shall be deemed to be a notice of demand under section 29 of the Indian Income-tax Act, 1922.

4. The above procedure shall apply also to the assessment and collection during the financial year 1933-34 of incomes of Rs. 1,000 and upward and less than Rs. 2,000 which have escaped assessment in the financial year 1932-33.

D. G. MITCHELL,

Officiating Secretary to the Government of India.

## Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

GOVERNMENT OF INDIA.

### LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Report of the Select Committee on the Bill further to amend the Indian Railways Act, 1890, for a certain purpose was presented to the Legislative Assembly on the 24th March, 1933:—

WE, the undersigned, Members of the Select Committee to which the Bill further to amend the Indian Railways Act, 1890, for a certain purpose was referred, have considered the Bill and the papers noted in the margin, and have

Papers Nos. I—V.

now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. The Bill as amended by us is based on three main decisions of principle. We propose to discuss these decisions first and then to indicate how the Bill carries them into effect.

(*1*) Our first decision was that the new powers proposed to be conferred by this Bill should be restricted to motor transport and air services, and that there is no case for allowing railways to establish inland water-way services other than the services they are already empowered to run under section 51 of the main Act. We are agreed, however, that the power to provide transport "for the reasonable convenience of passengers, animals or goods carried or to be carried on its railway", as at present conferred under clause (*e*) of that section, must be maintained in the public interests. These two objects cannot be achieved conveniently by an amendment of clause (*e*), and we think they will be best secured by a new section dealing exclusively with the proposed new powers.

(*2*) We discussed at length the means for securing that local opinion should be consulted and local interests considered before any railway company is allowed to start a new motor or air service. We cannot in the Bill require the local Railway Advisory Committees to be consulted, as these bodies have no statutory existence, and on some railways have no existence at all. To introduce local authorities might create difficulty and confusion, as the structure and terminology of local self-government varies so much from province to province. In these circumstances, we are agreed that the most elastic method will be to require the Governor-General in Council to consult Local Governments concerned before any scheme is sanctioned, and we have no doubt that the Local Governments will consult local authorities interested in the scheme, and will pay due regard to all local interests.

(*3*) The third important decision we reached was that railway companies should not receive any differential treatment whatsoever in respect of these new services. In particular our intention is that they should not enjoy any exemptions from taxation or from licensing regulations, but should compete with private enterprise on level terms.

We discussed also the insertion of some provision which would specifically limit the radius within which these services should be allowed to operate, but came to the conclusion that such a provision is not practicable and might have undesired results. There is the initial difficulty of estimating what is a reasonable radius, and there are many other difficulties as well. A radius of fifty miles, for instance, may be too much in a thickly populated country but too little in a sparsely populated country; and within any specified radius there may be several stretches of road on which no railway company could reasonably expect to be allowed to run a motor service. We decided that, for the present, it will be best to leave the decision to the Governor-General in Council, acting in consultation with the Local Government, to determine the extent of each service, on a full consideration of all the local circumstances.

3. In accordance with these decisions clause 2 of the Bill has been entirely recast by us. Instead of amending clause (*e*) of section 51, we propose to insert a new section 51A consisting of five sub-sections.

Sub-section (*1*) empowers a railway company (other than the guaranteed companies covered by 42 and 43 Vic., Chap. 41) to frame a scheme for a motor transport or air service, and imposes one limiting condition—that the service must have one terminus at or near a station on the railway.

Under sub-section (*2*) this scheme is to be submitted to the Governor-General in Council, who is required to consult the Local Governments concerned and is empowered to impose any modifications and conditions he may think fit.

Sub-section (*3*) requires the final scheme to be published in the *Gazette of India* for the information of all concerned; and empowers a railway company to inaugurate the new service in accordance with its terms and in accordance with all applicable enactments and rules.

Sub-section (*4*) is intended to place the railway company, in operating any such service, on level terms with any company, firm or individual operating a like service. This provision will give the railway company no advantage, and does not impose on it any disadvantage, as compared with private enterprise. The sub-section also safeguards the powers of Local Governments in respect of the regulation of the use of roads.

4. Though we have entirely recast the one substantive clause of the Bill we have not altered its main principle. The change is merely a restriction and partial definition of the powers proposed in the Bill as introduced. Accordingly we think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

5. The Bill was published as follows:—

IN ENGLISH.

| *Gazette.* | | *Date.* |
|---|---|---|
| Gazette of India | .. | 10th September 1932. |
| Fort St. George Gazette | .. | 4th October 1932. |
| Bombay Government Gazette | .. | 27th October 1932. |
| Calcutta Gazette | .. | 3rd November 1932. |
| United Provinces Gazette | .. | 24th September 1932. |
| Punjab Government Gazette | .. | 11th November 1932. |
| Burma Gazette | .. | 1st October 1932. |
| Central Provinces Gazette | .. | 17th September 1932. |
| Assam Gazette | .. | 2nd November 1932. |
| Bihar and Orissa Gazette | .. | 5th October 1932. |
| Coorg District Gazette | .. | 1st November 1932. |
| North-West Frontier Gazette | .. | 4th November 1932. |

IN THE VERNACULARS.

| Province. | Language. | Date. |
|---|---|---|
| Madras | Tamil | 1st November 1932. |
| | Telugu | 1st November 1932. |
| Bombay | Marathi | 10th November 1932. |
| | Gujarathi | 10th November 1932. |
| | Kanarese | 10th November 1932. |
| Bombay | Urdu | 10th November 1932. |
| Burma | Burmese | 2nd November 1932. |
| Bihar and Orissa | Uriya | 10th December 1932. |
| Assam | Assamese | 9th November 1932. |

MOHD. YAMIN KHAN.
J. W. BHORE.
ZIAUDDIN AHMAD.
K. P. THAMPAN.
RAMESHWAR PRASAD BAGLA.
S. C. MITRA.
BHAI PARMANAND.
*M. MASWOOD AHMAD.
RICHARD SMITH.
R. D. DALAL.
P. R. RAU.

The 22nd March, 1933.

* Subject to a Note.

NOTE.

In my opinion the proposed rates should form a part of the scheme and those rates should not be changed without previous sanction of Governor-General in Council.

M. MASWOOD AHMAD.

L. A. BILL NO. 39 OF 1932.

**[ As amended by the Select Committee.]**

**[Words printed in italics indicate the amendments suggested by the Committee.]**

*A Bill further to amend the Indian Railways Act, 1890, for a certain purpose.*

IX of 1890. WHEREAS it is expedient further to amend the Indian Railways Act, 1890, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Indian Railways (Amendment) Act, 1933.

IX of 1890. Insertion of new section 51-A in Act IX of 1890. **2.** *After* section 51 of the Indian Railways Act, 1890, the following *section* shall be *inserted*, namely:—

Additional power to provide and maintain transport services. "51-A. (1) *Any railway company, not being a company for which the Statute 42 and 43 Vic., Chap. 41, provides, may frame a scheme for the provision and maintenance of a motor transport or air-craft service for passengers, animals or goods with a terminus at or near a station on the railway owned or managed by such company.*

(2) *The scheme shall be submitted to the Governor-General in Council, who, after consultation with the Local Government or Local Governments concerned, may sanction it, subject to such modifications and conditions as he may prescribe.*

(3) *The scheme shall be published in the* Gazette of India *and thereupon the railway company shall, subject to sub-section (4), have the power to provide and maintain a service in accordance therewith.*

(4) *In respect of any service provided and maintained by any railway company under this section,—*

(a) *the company shall be deemed not to be a railway administration for the purposes of this Act or of any other enactment affecting railways, and no property used exclusively for purposes of the service shall be deemed to be included in the railway or its rolling stock; and*

(b) *all enactments and rules for the time being in force relating to motor vehicles, air-craft and roads shall apply accordingly.*

(5) *The Governor-General in Council, after consultation with the Local Government or Local Governments concerned, may, by notification in the* Gazette of India, *after giving to the railway company six months' notice of his intention so to do, withdraw his sanction to any scheme sanctioned under sub-section (2) or may modify the scheme or impose further conditions on it.*

S. C. GUPTA,
Secy. to the Govt. of India.

The following Bill was introduced in the Legislative Assembly on the 24th March, 1933.

L. A. BILL NO. 13 OF 1933.

*A Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples.*

WHEREAS it is increasingly felt by the Hindu community that the disabilities imposed by custom and usage on certain classes of Hindus in respect of entry into their temples should be removed;

AND WHEREAS doubts have been entertained whether trustees and others in charge of management of such temples have power to make any innovation contrary to the established custom or usage of the temples;

AND WHEREAS it is expedient that the law as administered by the Courts should no longer prevent a trustee from allowing to any class of Hindus, who might have been excluded from a temple under his management, entry into such temple, if the Hindu community in the locality is generally minded to allow such entry;

It is hereby enacted as follows:—

Short title and extent.

**1.** (*1*) This Act may be called the Hindu Temple Entry Disabilities Removal Act, 1933.

(*2*) It extends to the whole of British India.

Definition.

**2.** In this Act, unless there is anything repugnant in the subject or context,—

(*1*) 'Board' shall mean the Board of Commissioners constituted under section 10 of the Madras Hindu Religious Endowments Act, 1926;

(*2*) 'Excluded caste' shall mean any caste or class of the Hindu community excluded by reason of established usage or custom from entering a temple;

(*3*) 'Temple' shall mean a place, by whatever designation known, used as a right as a place of public worship by the Hindu community generally except the excluded castes;

(*4*) 'Trustee' shall mean a person by whatever designation known in whom the administration of a temple is vested; and

(*5*) 'Voters' shall mean—

(*a*) when used in connection with a temple having an annual income of Rs. 500 and above, the Hindu voters in the electoral roll of the Corporation of a City or in the electoral roll of a Municipality, or a District Board or a Taluk Board or any other similar local authority, constituted under the Local Boards Act within the area of which it is situated, and

(*b*) when used in connection with a temple having an annual income of less than Rs. 500, the Hindu voters in the electoral roll of the Municipal division in the City or the Municipal ward in the Municipal area in the mofussil or the Panchayat area within which it is situated.

Entry of excluded castes into temples to be decided by reference to the general body of voters.

**3.** (*1*) After the commencement of this Act, a written requisition signed by not less than fifty voters may be made to the trustee of a temple asking him that the question of throwing open the temple to any excluded caste may be referred for decision to the general body of the voters.

(*2*) Upon such requisition, the trustee shall forthwith refer the question to the voters for decision in the manner prescribed.

(*3*) The decision of a majority of the voters who have recorded their opinions shall be binding on the trustees of the temple and on all worshippers therein.

(*4*) Where the decision is in favour of allowing the entry of any excluded caste into the temple, the trustees shall publish an order in the manner prescribed that the excluded caste shall have a right of entry into such temple.

Entry of excluded castes into temples by notice by trustee.

**4.** (*1*) Notwithstanding any law, custom or usage to the contrary, it shall be open to a trustee of any Hindu temple himself to publish in the prescribed manner a notice that unless an objection is lodged with him within a period of one month from the date of publication of the notice, he will make an order allowing an excluded caste, mentioned by him in the notice, to enter into such temple.

(*2*) Within one month after the publication of such notice by a trustee, a written objection signed by not less than fifty voters may be lodged with the trustee, objecting to such entry. Upon the lodging of such objection, the question whether the excluded caste concerned shall or shall not be allowed entry into the temple shall be referred to the voters under sub-section (*2*) of section 3 as if a requisition had been made under sub-section (*1*) of that section.

(*3*) The decision of the majority of the voters recording their opinions shall be binding on the trustee and the worshippers of the temple.

(*4*) Where an objection has been lodged under sub-section (*2*) and the decision of the majority of the voters recording their opinions is in favour of allowing the entry of the excluded caste into the temple, or where no objection is raised, after the expiry of the period mentioned in the notice under sub-section (*1*), the trustee shall publish an order in the manner prescribed that the excluded caste shall have a right of entry into the temple.

Entry of excluded castes into temples to be lawful after publication of the order.

**5.** On the publication in the prescribed manner of an order by the trustee under sub-section (*4*) of section 3 or sub-section (*4*) of section 4, it shall be lawful for any member of the excluded caste referred to in such order to enter into the temple for the purpose of worship therein, subject to such general regulations for the maintenance of order and cleanliness and the due observance of the religious ceremonies in the temple as may be made in that behalf by the trustees.

Fresh reference to voters not to be made before the expiry of one year.

**6.** Where a reference has been made to the voters under sub-section (*2*) of section 3 or sub-section (*2*) of section 4 and the majority of voters who have voted have decided against the throwing open of a temple to any excluded caste, no written requisition under section 3 shall be made nor a notice under section 4 be published for a period of one year from the date of which such reference was made.

Amendment of section 40, Mad. Act II of 1927.

**7.** In section 40 of the Madras Hindu Religious Endowments Act, 1926, the words "subject to the provisions of the Hindu Temple Entry Disabilities Removal Act, 1933 " shall be inserted at the commencement.

Power to make regulations.

**8.** The trustees of a temple may, with the previous approval of the Board, make regulations—

(*1*) for the maintenance of order and cleanliness in the temple; and

(*2*) for the due observance of the customary religious ceremonial in the temple.

Power to make rules.

**9.** (*1*) The Local Government shall have power to make rules for the puropse of carrying into effect the provisions of this Act.

(*2*) Without prejudice to the generality of the foregoing power, the Local Government shall have power to make rules prescribing—

(*a*) the form of the requisition by the voters for a referendum, and the manner of its presentation to the trustee;

(*b*) the manner of publication of the notices and orders of the trustee;

(*c*) the method of obtaining the opinions of the voters; and

(*d*) the decision of disputes regarding the ascertainment of such opinions.

## STATEMENT OF OBJECTS AND REASONS.

The custom of segregation of certain classes of the Hindu community as untouchable and the social diabilities they suffer from have been the subject of universal condemnation. There has been continuous agitation on the part of leaders of these classes as well on the part of reformers among caste-Hindus to break the custom and remove the disabilities. Recent events have brought this agitation to a head and there is at present a great wave of feeling throughout India for the removal of disabilities of these "depressed classes" as they have commonly been called. Public agitation is specially focussed on the exclusion of these classes from entry into the ordinary Hindu temples along with caste-Hindus. Public Hindu Temples being places of more or less free and equal association of all sections and denominations of caste-Hindus in the worship of their common Gods, it is felt that these "depressed classes" should also be given the right of entry into these temples for purposes of worship. In spite of great advance in public opinion established usage is enforced as law to the prejudice of these classes, and no change or innovation is permitted. Not only have Courts treated the entry of members of these classes into Hindu temples as a defilement thereof punishable by the Indian Penal Code, but doubts have been felt as to the authority of trustees in charge of temples peacefully to permit such entry even when they feel that public opinion among the worshippers favours such entry. In the opinion of many trustees the Law of the land and section 40 of the Madras Hindu Religious Endowments Act, II of 1927 in particular, stands in the way of any change. It is, therefore, necessary to enact a law of a permissive character enabling the removal of the bar where local public opinion favours such reform.

C. S. RANGA IYER.

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S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL No. 14 OF 1933.

*A Bill to repeal the Child Marriage Restraint Act, 1929.*

WHEREAS it is expedient to repeal the Child Marriage Restraint Act, 1929; It is hereby enacted as follows:—

Short title and extent.

**1.** (*1*) This Act may be called the Child Marriage Restraint (Repealing) Act, 193 .

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

Repeal of Act XIX of 1929.

**2.** The Child Marriage Restraint Act, 1929, is hereby repealed. XIX of 1929.

## STATEMENT OF OBJECTS AND REASONS.

The Child Marriage Restraint Act of 1929 was originally introduced in the Legislative Assembly as a Bill to regulate marriages of Hindu girls under twelve years of age. The

objects and reasons clearly show that the idea was to confine its operation and secure its alleged benefit to the Hindus, and to achieve that object by declaring that marriages performed against the proposed provisions were invalid. When, however, it was found that both on religious and legal grounds it would be objectionable to interfere with the validity of marriages once performed, the original purpose was proposed to be achieved in the Select Committee by making the performance of such marriages criminal, by imposing penalties on those who participated in them and by naming the Bill a "Child Marriage Restraint Bill". Such an alteration of a measure which was originally intended to be of a purely civil nature and accepted as such by the Assembly into a penal enactment and that in the case of a single community, was felt to be indivious, and this necessitated a further departure on the part of the Select Committee from the principle accepted by the Assembly by making it general in its scope, and applying it to all classes and communities in British India. In doing so, however, the committee were doubtful as to the propriety of materially amending as the Bill whose principle had been accepted by the Assembly, and of adopting the unusual step of substituting a new Bill of quite a different nature in the Select Committee, a step entirely opposed to Parliamentary practice and procedure, but they eventually justified their attitude upon grounds somewhat inconsistent with their own recommendations regarding the further stages of the Bill, which it is unnecessary to dilate upon. The gratuitous extension of the measure to the Muhammadan community at that late stage in disregard of their protests created a serious complication, and in order to disarm the opposition of the Muslim members of the Select Committee the minimum marriageable age for girls was raised to 14 from 12 (and in some cases even 11 years), originally fixed in the Bill.

The result of the alterations above detailed was that the original object with which the Bill was introduced, *viz.*, to protect the Hindu society from the many alleged evils that it was subject to was entirely lost sight of, and the caution with which the author of the Bill proposed to proceed in the matter by making the Bill agreeable to the most conservative Hindu opinion which holds the belief based on their religion that a girl should not remain unmarried after she attains puberty, was set at naught by insisting that there shall be no pre-puberty marriages among the Hindus except under pain of punishment. Every important community including the Muhammadans protested against this Bill, but it was passed in utter defiance of the virtually unanimous opposition of the country.

It is now admitted that a very wide feeling of resentment has been aroused in the minds of the great mass of population, both Hindus and Muhammadans, who are still wedded to their ancient culture and traditions by the passing of this measure, and that even politically it was a serious mistake. It is a well-known fact that numerous marriages in contravention of the provisions of the Act have been celebrated both by Hindus and Muhammadans even after their coming into force, and the Government have so far wisely taken a lenient view of the situation. But there are indications that their hands might be forced to strictly apply the provisions of the Act, especially in regard to the institution of prosecutions, with the result that the religious feelings and susceptibilities of the very large mass of the population otherwise peaceful and law-abiding would be seriously inflamed and redound on the country and the Government and thus become a political danger. It is absolutely necessary to prevent such a state of affairs.

The Act not only contravenes the fundamental principle of religious neutrality consistently held by the British Government as one of their "cardinal articles of faith", but it is also *ultra vires* of the Assembly inasmuch as it is repugnant to the provisions of section 18 of the East India Company Act, 1780 (21 Geo. II, c. 70), and of section 12 of the East India Company Act, 1797 (37 Geo. III, c. 142). It is further *ultra vires* inasmuch as the Governor-General's sanction, even if it could be validly given to a measure of this nature was given for a Bill of a purely civil nature intended to apply to the Hindus alone and the present Bill which was a different and entirely new Bill as admitted by the Select Committee could not be covered by such sanction.

In the course of the discussions both at the time of the final debate on the Bill and subsequently, much misapprehension existed regarding the true nature of a Muhammadan marriage on the ground that it was not a sacrament in the sense that a Hindu marriage is, but a purely civil contract. My own opinion had always been that the real basis of a Muhammadan marriage is religious, but in view of the controversy raging round the question, I considered it advisable not to mix up the two questions, and, therefore, gave notice last December of a Bill to amend the Act by exempting certain classes of the Hindu community from the operation of the Act. Since then, the Honourable the Law Member in the course of the debate on Dr. Gour's Bill has made the position clear by admitting, and if I may respectfully say so, by rightly admitting that the fundamental basis of a Muslim marriage is religious sanction, and it is bound up with their religion which it was a mistake to suppose was a purely civil contract.

In view of this and the inherent nature of a Muhammadan marriage so ably pointed out by Maulvi Muhammad Yakub in his Dissenting Minute to the Age of Consent Committee Report, I felt no hesitation as to the course to be adopted. I have, therefore, framed this Bill by which I propose that the "Child Marriage Restraint Act, 1929", be wholly repealed.

I would only venture to add that it is impossible for the true Hindu whose law is based on the Vedas, Smritis, and other sacred books, and is believed to have a transcendental origin, or for the true Muhammadan who believes that his sacred books lay down a complete set of their codified laws including socio-religious matters, to agree that such a law can be changed by the Legislature of the country and by the votes of men, a good many of whom

have no real faith in their religious and social organisation, and who, therefore, have no proper aptitude for judgment from a truly Hindu or Muhammadan point of view or have otherwise no sufficient sympathy for, or technical knowledge, or mental equipment for the purpose. Democracy, even in its modern sense, was never meant for the effectuation of radical changes in the socio-religious systems of the Hindus, Muhammadans or any other communities which take revelation as embodied in their Sacred Books as their socio-religious basis.

G. KRISHNAMACHARIAR.

S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL NO. 15 OF 1933.

*A Bill to protect Minor Girls.*

WHEREAS the evil of daughter selling has assumed dangerous vogue in society; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Girls Protection Act, 193 .

(*2*) It extends to the whole of British India.

Definitions.

2. (*a*) "Parent" in this Act means the father, the mother or any other guardian of the girl under whose protection she is living before her marriage.

(*b*) A girl shall be deemed to be a major on completing the age of 14 years.

Penalty.

3. If a parent sells his or her daughter before she has attained majority, he or she shall be liable to punishment which may be an imprisonment for two months or a fine which may extend to Rs. 200 or both.

Police empowered to arrest parents.

4. It shall be within the cognizance of the police to arrest a parent if there are sufficient reasons to believe that the parent has sold the girl.

Offences to be bailable and non-compoundable.

5. All offences under the Act shall be bailable and shall not be compoundable.

Jurisdiction.

6. It shall be within the competence of the Court of Sessions, or a first or second class Magistrate to try an offence under this Act.

STATEMENT OF OBJECTS AND REASONS.

The evil of daughter selling has assumed dangerous proportions in Indian society and has considerably increased the number of widows in the Hindu society. This Bill provides for the protection of minor girls (*a*) against inequality of ages of bride and bridegroom and (*b*) against their treatment as commodities as opposed to human beings.

This practice is opposed to all canons of morality and the best ideas of every community. Religious organisations are all opposed to such practices.

RAGHUBIR SINGH.

S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL NO. 16 OF 1933.

*A Bill to provide for the abolition of untouchability among the Hindus.*

WHEREAS it is increasingly felt by the Hindu Community that the disabilities, which are imposed by social custom and usage on certain classes of Hindus commonly known as the Depressed Classes, and which have been in certain matters even legally recognised in the adjudication of rights and duties in civil and criminal proceedings, are repugnant to modern conditions and ideas of justice and social solidarity and should no longer be recognised by law or otherwise enforced, but should be severely discouraged; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Untouchability Abolition Act, 193 .

(*2*) It shall apply to the whole of British India.

Untouchability not to be recognised in law.

2. Notwithstanding anything contained in any existing enactment, regulation or order and notwithstanding any custom or usage or interpretation of law, no penalty, disadvantage or disability shall be imposed upon, or any discrimination made or recognised against, any subject of the State on the ground that such person belongs to an untouchable caste or class among Hindus, and no civil or criminal Court shall recognise any custom of untouchability or base its adjudication on such a custom.

STATEMENT OF OBJECTS AND REASONS.

The custom of segregation of certain Hindu Classes as outcaste and untouchable and the social and other disabilities they suffer under in consequence of such custom, have been the subject matter of universal condemnation. There has been continuous agitation on part of the leaders of these Depressed Classes as they have been commonly called, as well as on the part of reformers among the main body of Hindus to put an end to this custom of un-

touchability and to the disabilities arising therefrom. Recent events have brought this agitation to ahead, and there is at present a great wave of feeling throughout India for the removal of the disabilities of these Depressed Classes which in the interest of humanity and general welfare advantage should be taken of by the State. It is, therefore, desirable that a general law should be passed prohibiting the recognition of any rights, or disabilities arising out of the usage regarding untouchability, either in civil or criminal Courts.

M. C. RAJAH.

S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March 1933 :—

L. A. BILL NO. 17 OF 1933.

*A Bill to repeal the Bengal State-Prisoners Regulation, 1818.*

WHEREAS it is expedient to repeal the Bengal State-Prisoners Regulation, 1818; It is hereby enacted as follows:—

*Short title.* **1.** This Act may be called the Bengal State-Prisoners Regulation (Repealing) Act, 19 .

*Repeal.* **2.** The Bengal State-Prisoners Regulation, 1818 (hereinafter referred to as the said Regulation), is hereby repealed. Reg. III 1818.

*Release of persons and property.* **3.** All persons detained under the said Regulation shall be released from custody on the passing of this Act, and all estates and property attached heretofore under the said Regulation shall be released from attachment.

## STATEMENT OF OBJECTS AND REASONS.

A Resolution recommending the repeal of Regulaion III of 1818 was adopted by the Indian Legislative Assembly on the 20th March, 1924, but the Government has not seen its way to introduce a Bill to repeal the Regulation. When moving the Resolution I clearly stated that I wished to give the Government an opportunity of introducing the Bill. But the Government instead of repealing the Regulation, has used it in violation of the solemn assurances given on the recommendations of the Repressive Laws Committee that it will be limited to its original purposes and will not be used against British Indian subjects.

In view of these facts, it is desirable that this Regulation should be repealed.

The 29th July, 1932.

AMAR NATH DUTT.

S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL NO. 18 OF 1933.

*A Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898.*

WHEREAS it is expedient further to amend the Indian Penal Code, and the Code of Criminal Procedure, 1898, for the purposes hereinafter appearing; It is hereby enacted as follows:—

*Short title.* **1.** This Act may be called the Indian Criminal Law Amendment Act, 193 .

*Insertion of a new section in Act XLV of 1860.* **2.** After section 507 of the Indian Penal Code the following new section shall be inserted, namely:—

*Besetting and Industrial Establishment for the recovery of debt.* " 507A. Whoever besets or loiters within the precincts of, or near, or within sight of any gate of, an Industrial Establishment for the recovery of debt due from any workman or servant employed in such establishment shall be punished with imprisonment of either description which may extend to one year or with fine or with both."

*Amendment of Schedule II of Act V of 1898.* **3.** In Schedule II to the Code of Criminal Procedure, 1898, after the entry relating to section 507 of the Indian Penal Code the following entry shall be inserted, namely:—

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|
| " 507A | Besetting an Industrial Establishment for recovery of debt. | Shall arrest without a warrant. | Ditto .. | Ditto .. | Ditto .. | Imprisonment of either description for one year or fine or both. | Ditto." |

## STATEMENT OF OBJECTS AND REASONS.

Among the evils from which industrial workers suffer may be mentioned the method of recovering debt, by the use of intimidation and even violence, adopted by many money-lenders. Instead of taking any legal proceedings for the recovery of the debts they use their lathi and several times beset the industrial establishment by waiting outside the factory-gate on pay-day awaiting to pounce on their debtors as they emerge. The object of their waiting outside the factory is to ensure that their claims form the first charge on the workers' wages. Some of the employers even permit the money-lenders to enter the factory compound and to collect his dues before the workers' wages reach their hands. This question was fully enquired into by the Royal Commission on Indian Labour. The Commission have expressed their views on this question as follows:—

"The preceding paragraphs have dealt mainly with the money-lender who threatens his victim with legal proceedings, and, more rarely drives him into Court. There are, however, many money-lenders who prey upon workers, and depend upon the threat of violence rather than of the processes of the law. The lathi is the only Court to which they appeal, and they may be seen waiting outside the factory-gate on pay-day ready to pounce on their debtors as they emerge. Our recommendations should not be ineffective even in their case, for they are as a rule fairly scrupulous even in using intimidation, and seldom employ it to exact more than the law allows. But stronger measures are justified, particularly as the object of waiting outside the factory is to ensure that their claims form the first charge on wages. We recommend, therefore, that besetting an industrial establishment for the recovery of debts be made a criminal and cognisable offence. Besetting might be defined as loitering within the precints or near or within sight of any gate or outlet of the establishment. This should go far to cripple the activities of a class of money-lender already generally regarded as a pest to society. It should also bring to an end the still more deplorable practice of some employers who permit the money-lender to enter the factory compound and to collect his dues before the workers' wages reach their hands."

The ordinary Criminal Law does not contain any provision making such besetting an offence. It is, therefore, necessary to amend the Criminal Law by adding a new section to the Penal Code declaring besetting or loitering within the precincts or near or within sight of any gate or outlet of an establishment, an offence. The consequential amendment by adding new entries to the Second Schedule to the Criminal Procedure Code making this offence a cognisable one becomes necessary. The Bill is intended to give effect to the recommendations of the Royal Commission on Indian Labour.

N. M. JOSHI.

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S. C. GUPTA,

Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL NO. 19 OF 1933.

*A Bill to amend the Child Marriage Restraint Act, 1929.*

WHEREAS it is expedient to amend the Child Marriage Restraint Act, 1929; It is hereby enacted as follows:— XIX of 1929.

Short title and extent.

**1.** (*1*) This Act may be called the Child Marriage Restraint (Amendment) Act, 193 .

(*2*) It extends to the whole of British India, including the British Baluchistan and the Sonthal Parganas.

Amendment of section 1, Act XIX of 1929.

**2.** To section 1 of the Child Marriage Restraint Act, 1929, after sub-section (*3*) the following sub-section shall be added, namely:— XIX of 1929.

"(*4*) It shall not apply to marriages contracted or solemnised under the Muhammadan Law."

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## STATEMENT OF OBJECTS AND REASONS.

The Child Marriage Restraint Act, 1929, was passed with the support of official Members in face of strong opposition from the majority of Muslim Members of the Legislative Assembly, and the Mussalman public of this country. Even after its being enacted into law the Mussalmans have persistently been opposing its application to the marriages solemnised or contracted according to Muslim *Shariat*. The Muslims have their own codified law which has been given by the Creator himself to us and it is beyond our power to enforce such earthly laws as are contrary to His will. Marriage under the Islamic law is not only a civil contract, but a sacrament. The Act of 1929 aims at making an offence of what is permissible according to *Shariat*, *i.e.*, Islamic law and which the Legislature should not have tampered with. This was obviously an unwarranted and uncalled for encroachment upon the personal rights of a Muslim. The resentment and agitation over this Act among the Mussalmans is very great and unless they are excluded from its application they will continue to agitate and will never be at rest. The Islamic law is so com-

plete in all its respects that it is hardly necessary to amend it.

My Bill is intended to exempt the Mussalmans from the operation of that Act which has been so much resented to by the Muslims of India.

M. MASWOOD AHMAD.

S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL No. 20 OF 1933.

*A Bill further to amend the Mussalman Wakf Validating Act, 1913.*

WHEREAS it is expedient further to amend the Mussalman Wakf Validating Act, 1913; VI of 1913.

It is hereby enacted as follows:—

Short title.

1. This act may be called the Mussalman Wakf Validating (Amendment) Act, 193 .

Amendment of section 2, Act VI of 1913.

2. In clause (*1*) of section 2 of the Mussalman Wakf Validating Act, 1913, after the words "any property" the words "whether immoveable or moveable including shares in a company" shall be inserted. VI of 1913.

STATEMENT OF OBJECTS AND REASONS.

From the definition of wakf given in the Wakf Validating Act, 1913, section 2, clause (*1*), it is clear that wakf may be created of any property whether moveable or immoveable. But before the Act it was not settled whether a valid wakf can be created of movable property and there are conflicting decisions on the point of the Calcutta, Madras, Bombay and Allahabad High Courts. The Bill proposes to remove any doubt which may still arise as to the validity of wakfs of moveables such as coins and shares in a company.

A. SUHRAWARDY.

S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL No. 21 OF 1933.

*A Bill to fix the amount of maintenance to which Hindu widows are entitled.*

WHEREAS it is expedient to fix the amount of maintenance to which Hindu widows are entitled, and to make that maintenance a charge on their husbands' family property; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Hindu Widows' Right of Maintenance Act, 193 .

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall come into force on the day of 19 .

Definition of "widow."

2. In this Act, unless there is anything repugnant in the subject or context, "widow" includes the widow of a person who, at the time of his death, professed the Hindu, Jaina, or Sikh religion.

Share of widow in case of joint family under the Mitakshara law.

3. Where a person is governed by the Mitakshara school of Hindu law and is, at the time of his death, a member of a joint Hindu family, his widow shall—

(*a*) if sonless, be entitled to get as maintenance the entire income which her husband's share in the joint family estate would, as on partition, yield, and

(*b*) if her husband has left son or sons, be entitled to get the income of such share of the estate as a son would get as on partition.

Share of widow when husband not a member of joint family under the Mitakshara law.

4. Where a person is governed by the Mitakshara school of Hindu law and is not, at the time of his death, a member of a joint Hindu family, his widow shall, if sonless, get her husband's property as a widow's estate. If, however, a posthumous son is born to her or if she adopt a son to her husband she shall be entitled to get, as maintenance, the amount of the income of her husband's property which a son would get as on partition.

Share of widow under the Dayabhaga law.

5. Where a person is governed by the Dayabhaga school of Hindu law, the widow shall, where her husband has left a son or sons, be entitled to get as maintenance the income of so much of her husband's property as a son would get as on partition.

Maintenance of widow to be a charge on husband's estate.

6. The maintenance, to which a widow is entitled under this Act, shall be a charge on the estate left by her husband, or the estate which belonged at the time of his death to the undivided family of which he was a member when he died, and shall not be affected by any testament which a husband may make during his lifetime to the detriment of the widow's rights as secured to her by this Act.

STATEMENT OF OBJECTS AND REASONS.

The Hindu law of inheritance is very unjust to women. It bears with the greatest harshness on the Hindu widows. An attempt to remove this injustice done to them by the law as at present administered in India having failed when the Legislative Assembly threw out in February last the Hindu Widows Right of Inheritance Bill, it has become necessary to enact a measure which would do full justice to Hindu widows so far as their right to maintenance is concerned.

Generally speaking, a Hindu widow is entitled only to maintenance. The amount of maintenance is not fixed or regulated by any rules having the force of law, but depends mostly upon the pleasure of her husband's relatives. The condition of many Hindu widows is, therefore, deplorable. In order to secure to them a reasonable and proper maintenance it is necessary to lay down certain broad principles which, without attempting to alter the Hindu Law of inheritance, may, to some extent, mitigate the sufferings to which they are subjected owing to the absence of provisions in the law of inheritance giving women their proper share in the property of their parents and their husbands.

This Bill fixes the amount of maintenance to which widows are entitled.

HARBILAS SARDA.

S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL NO. 22 OF 1933.

*A Bill further to amend the Code of Criminal Procedure, 1898.*

WHEREAS it is expedient to safeguard the exercise by persons considered by law, custom or usage to be untouchable, of their rights as members of the public, and to provide against any interference therewith; It is hereby enacted as follows:—

Short title.

**1.** This Act may be called the Code of Criminal Procedure (Amendment) Act, 193 .

Amendment of section 144, Act V of 1898.

**2.** To sub-section (*1*) of section 144 of the Code of Criminal Procedure, 1898, the following proviso shall be added, namely:— V of 1898.

"Provided that no order shall be made under this section against any person or class of persons directing him to abstain from any act in the exercise of his lawful rights solely on the ground that by reason of his belonging to a caste or community considered by law, custom or ursage to be untouchable, any obstruction, annoyance or injury, or risk of obstruction, annoyance or injury to any other person lawfully employed, or danger to human life, health or safety, or a disturbance of the public transquillity or a riot or an affray is likely or tends to arise."

STATEMENT OF OBJECTS AND REASONS.

This Bill is intended to remove the danger of the provisions of section 144 of the Code of Criminal Procedure being used to prevent the exercise of lawful rights as members of the public by persons, coming under the description of "untouchables". Though in law they have equal rights with other castes and communities they are unable to exercise their rights because persons belonging to so-called higher castes are likely to create disturbances with a view to obstruct the peaceful exercise of such rights by them. In such circumstances, it is unfair that the so-called untouchables should be restrained by orders under section 144 of the Criminal Procedure Code. The proper course in such cases would be that orders under the section should be directed against those who wish to thwart the members of the untouchable classes in the lawful exercise of their civic rights. Authority should in such cases actively protect the so-called untouchable classes, and enable them to exercise their rights in spite of such unwarranted interference with their just and lawful rights.

M. C. RAJAH.

S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL NO. 23 OF 1933.

*A Bill further to amend the Code of Civil Procedure, 1908.*

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purposes hereinafter appearing; It is hereby enacted as follows:— V of 1908.

Short title.

**1.** This Act may be called the Code of Civil Procedure (Amendment) Act, 193 .

Amendment of section 56, Act V of 1908.

**2.** In section 56 of the Code of Civil Procedure, 1908 (hereinafter referred to as the said Code), after the word "woman" the following words shall be inserted, namely:— V of 1908.

"or of a servant or a workman, whose salary or wages do not exceed three hundred rupees a month".

Amendment of section 60, Act V of 1908.

**3.** In the proviso to sub-section (*1*) of section 60 of the said Code,—

(*a*) in clause (*h*),—

(*i*) after the word "salary" the words "or wages" shall be inserted;

(*ii*) before the words " of any public officer " the words " whether payable in money or kind " shall be inserted;

(*iii*) after the word " servant " the words " or workman " shall be inserted; and

(*iv*) after the words " local authority " the words " or of any private emplyer " shall be inserted;

(*b*) in clause (*i*),—

(*i*) after the word " salary ", wherever it occurs, the words " or wages " shall be inserted;

(*ii*) after the word " allowances " the words " whether payable in money or kind " shall be inserted;

(*iii*) after the word " servant " the words " or workman " shall be inserted;

(*iv*) in sub-clause (*i*), for the word " forty " the words " three hundred " shall be substituted;

(*v*) in sub-clause (*ii*), for the word " forty ", wherever it occurs, the words " three hundred " and for the word " eighty " the words " six hundred " shall be substituted; and

(*vi*) in the proviso, for the word " twenty " the words " one hundred and fifty ", for the word " forty ", wherever it occurs, the words " three hundred " and for the word " eighty " the words " six hundred " shall be substituted; and

(*c*) after clause (*k*) the following new clause shall be inserted, namely:—

" (*kk*) all compulsory deposits and other sums due to any servant or workman in or derived from any Provident Fund certified by Government ".

## STATEMENT OF OBJECTS AND REASONS.

For the low standard of living of the worker, indebtedness is greatly responsible. The Royal Commission on Indian Labour have observed at page 224 of their report as follows:

> " the majority of industrial workers are in debt for the greater part of their working lives. Many, indeed, are born in debt and it evokes both admiration and regret to find how commonly a son assumes responsibility for his father's debt, an obligation which rests on religious and social but seldom on legal sanctions. Many come to industry because they are in debt; some are enabled by industry to clear themselves and a few then become money-lenders instead of money-borrowers. More often the debts remain and fresh obligations are incurred. It is estimated that, in most of industrial centres, the proportion of families or individuals who are in debt is not less than two-thirds of the whole. We believe that in the great majority of cases, the amount of debt exceeds three months' wages and is often far in excess of this amount."

One of the important causes of the indebtedness of the workers is, according to the Commission, to a lage extent the fact that the lender finds in him a profitable investment and is ready and, indeed, eager to give the worker money which it is contrary to the latter's interest to accept. Among the several recommendations that the Commission have made for removing the indebtedness of the worker some relate to the diminishing of his power of obtaining credit.

Under the law, as it stands now, a money-lender can get an attachment on the wages of any of his debtor, and can use the employer as his debt collector. It is possible to attach half of an employee's salary or an amount by which that salary exceeds 20 rupees, whichever is less and thus in the case of an employee in receipt of a rugular salary, the money-lender can secure an order from the Court directing the railway administration or a local authority or sometimes even a private employer to hand over month by month a large part of employee's salary until the whole decree has been satisfied. The Royal Commission have observed that the level of indebtedness in terms of wages is higher among the railway servants than among the industrial employees as a whole. The Commission have, therefore, recommended " that the salary and wages of every workman receiving less than Rs. 300 a month be exempted entirely from the possibility of attachment ".

Another recommendation made by the Commission is that the arrest and imprisonment of a work in execution of a money decree be abolished. The third recommendation is to exempt the contributions to the Provident Fund made by the workmen from being attached in execution of decree. This Bill is intended to give effect to these recommendations. The amendments proposed are to be made in the Code of Civil Procedure, 1908.

N. M. JOSHI.

S. C. GUPTA,
Secy. to the Govt. of India.

The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL No. 24 OF 1933.

*A Bill to amend the Child Marriage Restraint Act, 1929.*

IX of 1929. WHEREAS it is expedient to amend the Child Marriage Restraint Act, 1929; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Child Marriage Restraint (Amendment) Act, 193 .

IX of 1929. Amendment of section 3, Act XIX of 1929. **2.** In section 3 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the said Act), after the word "whoever," the words "excepting a Hindu of the Brahmin caste" shall be inserted.

Amendment of section 4, Act XIX of 1929. **3.** In section 4 of the said Act, after the word "whoever" the words "excepting a Hindu of the Brahmin caste" shall be inserted.

Amendment of section 5, Act XIX of 1929. **4.** In section 5 of the said Act, after the word "marriage" where it occurs for the first time, the words "excepting that of a Hindu of the Brahmin caste" shall be inserted.

Amendment of section 6, Act XIX of 1929. **5.** In sub-section (*1*) of section 6 of the said Act, after the word "person" the words "excepting a Hindu of the Brahmin caste" shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

The Brahmins no doubt occupy the foremost position in Hindu society and have tried their best to follow the Shastraic priciples and injunctions in their social life, usages and customs. This Act is regarded as a great invasion on immemorial customs and a severe shock to their sentiments and religion.

Marriage is a religious sacrament in the life of every Hindu. The Brahmin feels it most and is very apprehensive. The sanctity of marriage with all its attendant circumstances, once violated and disregarded and the principle once deviated, can never be maintained.

The Shastras enjoin that the attainment of puberty of a girl before marriage causes his degradation and consequently the offerings of *Pinda* libations of water to his ancestors which is a compulsory duty of his life become unacceptable by them.

Out of the eight kinds of marriage in Hindu society, only four kinds of marriage, such as Daiba, Prajapatya, Arsa and Bramha are approved marriages in Kali Yuga (present age).

The authorities on Hindu Law of Marriage such as Manu, Parasara, Yama, Angira, Kasyapa, and the commentator like Jaimini. Bharadwaja, Aswalaqan, Sankhyan, Harihar, Gadadhar, Raj-Maratanda and others support only ante-puberty marriage which is limited to 10 years and 2 months in the case of a *Kanya* or bride after which a girl is called a BRUSALI. Moreover, Hindu Brahmins live not only in British India but also in the Indian States called Native States. This will cause a disruption amongst the Hindus of British India and those of Native States to which the present Act does not apply. But Hindu Law is a personal law—there cannot be any distinction between Hindu marriages celebrated in Indian States and those celebrated in British India.

The reasons of physical deterioration and educational development never applies in the case of the Brahmin, for he never allows consummation of marriage before proper growth of either his son or daughter. As head of the society he is more responsible and more careful than any one else.

These inroads of the legislature into social, personal and domestic matters are most uncalled for and more harmful to the Brahmin than to any one else.

The 9th March, 1931.

B. N. MISRA.

S. C. GUPTA,
Secy. to the Govt. of India.

The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL No. 25 OF 1933.

*A Bill to provide for fixing the amount of maintenance to be awarded to the widows entitled to maintenance under the Hindu Law.*

WHEREAS it is expedient to define the law relating to the amount of maintenance to which widows are entitled under the Hindu Law; It is hereby enacted as follows:—

Short title, extent, commencement and application. **1.** (*1*) This Act may be called the Hindu Widows Maintenance Act, 193 .

(*2*) It extends to the whole of British India inclusive of the Sonthal Parganas, and Baluchistan.

(*3*) It shall come into force forthwith.

(*4*) It shall apply to all cases now pending in any Court, Original or Appellate.

(*5*) It shall apply notwithstanding any declaration testamentary or otherwise by the husband of the widow, or any other person interested, as to the amount or nature of maintenance to be awarded.

Definition. **2.** In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Son" includes son's son and son's grandson.

3. The widow of a Hindu who leaves no son shall be entitled to, for her maintenance, the whole of the net income of the property or a share or any interest therein to which her husband at the time of his death was entitled or would have been entitled if there was partition: and if there are more than one such widow then the said net income will be divided equally between them.

Amount of maintenance for widow whose husband leaves no son.

4. Where a Hindu leaves a son or sons, the widows, if more than one, then, each of the widows shall be entitled for her maintenance to a sum which is not less than the net income of the share of such son or each of the sons, if a partition took place as between such son or sons and the widow or widows.

Amount of maintenance for widow whose husband leaves a son.

5. In case of any valid testamentary disposition by a Hindu husband of his property, his widow shall be entitled notwithstanding such testamentary disposition, or any declaration as the amount of maintenance provided for therein to get her maintenance not less than one half of the income of the property to which her husband was entitled at the time of his death and in cases where half the income is insufficient, she may be awarded the whole of the income of such property.

Amount of maintenance for a widow in case of testamentary disposition by husband.

6. A widow shall be entitled, for her lifetime, to occupy the house or houses which she occupied during the lifetime of her husband, unless the Court considers that such house or houses are not required for her exclusive use, in which case, the Court shall either allow her a suitable portion of such house or houses for her residence or a reasonable rent for a house for her residence.

Residence.

*Explanation*:—The expression 'house or houses' includes compound and other advantages attached to it and required for the proper use by the widow of such house or houses.

7. A widow getting a decree for maintenance shall be awarded arrears of maintenance at the rate referred to in sections 3, 4 and 5 from the date of the death of her husband with interest at six per cent. per annum from the person or persons who may be found to have acquired possession of the whole or part of the estate of her deceased husband.

Arrears.

8. The maintenance referred to in sections 3, 4 and 5 shall be a charge, subject to any charge existing at the time of her husband's death, upon the estate left by her deceased husband. When a decree is passed by a Court awarding maintenance to a widow past as well as future, a receiver shall be appointed by the decree with power to take possession of the property which is subject to the charge of maintenance, in the event of failure of the person liable to pay off her arrears of maintenance within three months after decree, or, on his failure to pay the future maintenance for three consecutive months, and such receiver shall pay the arrears as well as the future maintenance by and under the direction of the Court.

Charge.

## STATEMENT OF OBJECTS AND REASONS.

1. The Shastras have laid down definitely the persons or class of persons who are entitled to get maintenance. This Bill is not intended any way to modify or expand the Shastra's rule on the point.

2. In these days when the spirit of joint family system is fast disappearing, a widow who is sonless requires greater protection from the State. She requires a larger sum for her maintenance, as she has to meet all the incidental expenses of a separate household establishment than a widow having sons, with whom she might live as a family member. Although a widow having sons is entitled to a share (except perhaps in Southern India) equal to that of a son in the event of a partition of the family estate in lieu of maintenance according to some, and by virtue of her proprietary right according to others, a sonless widow gets no share at all if her husband dies in a state of jointness with his male co-partners; and even if he dies while separate from them, she gets no share in the inheritance, if the husband likes to disinherit her by testamental dispositions.

3. Under the Hindu Shastras, a wife is a co-owner with her husband in all his properties [*See* (1) Mr. Justice Dwarka Nath Mitter's Position of Women, P. 274—78—85. (2) 11 C. L. J., P. 587], and it is by virtue of this right, that she gets a share equal to that of her husband except perhaps in Madras (*See* I. L. R. 8 Mad. at 123 F. B.), in the event a partition of the family estate in the lifetime of her husband; and equal to that of a son, if there is a partition after his death, amongst the sons. Some of the commentators, particularly Mitra Mesia, have, however, laid down that her co-ownership is merely fictional and not real, in as much on the authority of a test of apartment, he can never demand a partition (*See* D. L. R. 4 All. 296). But this position is not accepted by others, particularly Vachaspati Misra, the author of the Vivada Chintamani, the most authoritative commentary of the Mithila School (*See* 20 W. R. 137 P. C.). According to him, the text of Apastamb refers to no-partibility of the fruits of the religious rites and ceremonies and does not apply to her right to partition of the properties. And he has clearly laid down that she can demand partition as against her husband (*See* Tagore's Translation of the Vivada Chintamani, as revised by Jogendra Chandra Ghose, in his Hindu Law, Volume 2). Even the Mitakshara is not altogether against her right to claim partition, although its views have been very much misunderstood. What it lays down is that she can have a partition, but only by by the choice of her husband (*See* I. L. R. 32 Cal. at 242).

4. It is unfortunate, as has been pointed out by some Judges that Mr. Colebrooke did not translate the chapter of the Mitakshara dealing

with woman's right and consequently the earlier decisions of the British Courts, based mainly upon rule of the English translations of the Shastras, as were available to them have very injuriously affected the rights of the Hindu woman in her husband's property.

5. It must also be remembered that under the Hindu Shastras, there are only two aspects of the rights of Hindu widow in her husband's property, *viz.* :—

1. Under the Mitakshara School, her right to mere maintenance, if her husband dies while joint with his male co-parceners and leaves only ancestral properties though the case is different under the Dayabhag Law.
2. Her right to succeed to the husband's self-acquired properties, even if he died joint with his co-parceners (*See* the Sivaganga case, 9 M. I. A. at 610) and to his ancestral properties if he died separate from his co-parceners. (Under the Mitakshara School).

6. The denial of her right to inherit even the separate property of her husband, under the Mitakshara or the Dayabhag School if the husband chooses to disinherit her by testamentary dispension is the creation of case law based upon the doctrine of a testamentary power of a husband—a doctrine which is clearly foreign to Hindu Law.

See 8 M. I. A. 85.

7. The Hindu Law has, however, clearly laid down that a man is bound to maintain his wife, aged parents, and infant child, even if he has no property. The decisions of our Courts also recognise the right of a Hindu widow to a suitable maintenance out of the estate of her husband. What is yet left uncertain is as to the minimum and maximum amount of the maintenance to which she is entitled with reference to the income of the estate, which is liable for her maintenance. This Bill seeks to remove this uncertainty, as far as any general rule can be laid down on such a point.

8. It has been frequently noticed that a Hindu widow, who is unfortunately sonless, finds herself in great difficulty as soon as her husband dies. Those who succeed to the estate, regard even any grant of maintenance to her, more or less, as an act of charity or grace on their part. Very often she finds none to help her as against those who take possession of the estate, for those who take her part, are characterised as interested persons trying to prevent litigation in the family. She may have lived in palaces, may be high placed in society, may have led a life of affluence and luxury, in the lifetime of her husband, but soon after the death of her husband, her condition becomes pitiable. Being ordinarily a *pardanashin* lady, she is unable to secure the help from any outsider and has thus to submit to the wishes of those who take possession of the estate.

9. In our Courts, she is at a great disadvantage. We all know that to fight out cases properly in a law Court, one requires a sufficient fund, which most of such widows have not at their disposal. Consequently they are very seldom not well represented in Courts, although their adversaries are able to secure the services of leaders of the bar. For want of funds, they are in majority cases unable to pay the necessary court-fee. They have to begin with pauper applications which are opposed and in majority of cases successfully. If anyhow they get over the difficulty at this stage, their difficulty at the trial of the suit is almost unsurmountable, as for want of funds they are unable to engage competent lawyers, they are unable to produce all the materials before the Courts, to satisfy the several tests laid down by decisions, as factors for fixing the amount. Moreover, they are as a rule very much hampered in prosecution of their cases on account of the influence of their adversaries.

10. Some of the Judges are often inclined to the view that maintenance for a Hindu widow means bare means of living and they fix the amount, keeping this principle in view, as there is no rule of law to control the discretion of the Judges in this matter.

11. It is laid down in the Hindu Shastras that if a man fails to maintain his wife who is blessed with a son, without any fault on her part, she should be given one-third of the income of the estate of her husband in lieu of her maintenance and relying upon this principle as embodied in a text of Yajnavalkya, the Bombay High Court awarded one-third of the income of the estate as maintenance to a Hindu widow, *vide* (*i*) I. L. R. 11 Bom. 199, (*ii*) 9 B. H. C. R. 283. But the Courts generally do not regard this as a binding rule. The difficulty has now become greater in view of a recent pronouncement of the Honourable the Judicial Committee of the Privy Council, reported in All. I. R. 1929 P. C. 128 (Ekardeswarie Bhuasen's case), where it has been laid down that there is no warrant in Hindu Law for fixing a particular proportion of the income of the husband's estate to be given to his widow for maintenance.

12. Thus, in the absence of a definite rule of law on the point, the amount to be fixed is left to the sole discretion of the Judge. The result is that very much depends upon the inclination and the mentality of the Judge and probably upon his own idea of the necessities of a widow's life. It is within the experience of some of the Honourable Members who have had to deal with such cases, that European Judges take a much more favourable view of the widow's necessities, and award a much larger sum, than Indian Judges, on almost the same set of facts, are inclined to award. To give a concrete instance, I may say that in one case, while the Privy Council allowed Rs. 15,000 a year as maintenance to a Hindu widow, where the income of the property of her husband was, on evidence before them, somewhere between 45 and 50 thousand, which was held to have devolved upon her husband's brother E by reason of family custom and which accordingly passed to E; but when E's sonless widow sued for maintenance, as against her three stepsons, possessing income of both the estates (*i.e.*, J's estate and E's estate) yielding over a lakh a year, the latter was allowed by a Sub-Judge only Rs. 350 a month. The Sub-Judge's

judgment was upheld by High Court and by the Privy Council on the general principle that a trial court's judgment on a question of amount should not be lightly disturbed. [See I. L. R., 42 Cal., 607 P. C. (Ekardeswarie's case)].

All. I. R. 1929 P. C. (Ekardeswarie's case).

13. Another important reason for the introduction of a Bill like the present has now arisen, in view of the said pronouncement of the P. C. where they lay down as a rule of law that the question of the amount being one of fact, should not be disturbed by the Court of Appeal, and, in any case, not by the Second Court of Appeal, treating the finding as one of fact.

14. In order, therefore, to make the Law definite and relieve the helpless widows of their difficulties in getting adequate relief from the Courts, a definite rule of law, fixing the minimum and maximum proportion of income of the estate to be given to a Hindu widow, is necessary, as it will afford a basis for the Courts to proceed to determine the amount of maintenance.

15. As regards the arrears of maintenance which a Hindu widow is entitled to recover out of the estate of her husband the Law does not seem quite settled. In spite of the earlier pronouncement of the Privy Council in her favour on the point, the Bombay High Court has laid down that the award of arrears is entirely discretionary with the Court (*Vide* I. L. R. 36, Bombay 383), and the Sub-Judge and the Patna High Court in Ekardeswarie Bhuasen's case, refused to allow her any arrears, and actually disallowed it, on the doctrine of the discretion of the Court, as also on the ground that there was no formal demand.

16. This judgment of the High Court was upset by the Privy Council in the above-mentioned case (All. L. R. 1929 P. C.) where they allowed the arrears and have further laid down, as a rule of law that a widow is entitled to maintenance from the time of the death of her husband. In view of the difference of opinion in the decisions, it is desirable that the principle laid down by the Privy Council should receive recognition by the Legislature.

17. The maintenance of a widow is, under the Shastras, a charge upon the husband's estate. The decisions of our Courts have, however, made the position doubtful and, in several cases, it has been laid down that such maintenance is not a charge upon the estate, unless it is so declared either by a decree of the Court, or by a contract between the parties. This leads to hardship in many cases. If the persons succeeding to such estate sells away the corpus of the estate, either to defraud her or to meet their own necessities, the widows find it difficult to realise the maintenance—awarded by the Courts. Such persons are not held personally liable and such purchasers are protected by the doctrine of *bonâ fide* purchase, for value, without notice. The husband himself, if he is so inclined, can create difficulty in this matter by reckless alienation of his properties. It is, therefore, very desirable that the Law on this point should be definitely laid down by the Legislature, and her maintenance be declared to be a first charge upon her husband's properties.

18. Another safeguard which is necessary in the interests of such widows for timely realisation of their maintenance, even after the decree, is the one laid down by Sir Lawrence Jenkins (in I. L. R. 26 Cal. 4411).

This case has been followed in two unreported decisions of the Patna High Court. Provision has been made in this Bill for such safeguards, in the absence of which, a decree of the Court may often become fruitless. We know the difficulty of a decree-holder begins often when he gets a decree, as was pointed out by an eminent Judge. The person liable may drag on the execution case for long, and if the widow has to execute her decree every month for her monthly allowance, she will probably be able to realise it, if at all, after a year or two, if not later.

19. Similarly, with respect to her residence she may have lived in a palace in the lifetime of her husband, but as soon as her husband dies, she is considered to have no right to continue to occupy that house. There have been cases where widows have been actually turned out of the residential houses by persons succeeding to the estate.

20. This Bill seeks to remove the difficulties of helpless widows in these matters.

RAM KRISHNA JHA.

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S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was intrduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL No. 26 OF 1933.

*A Bill to prevent Juveniles from Smoking Tobacco.*

WHEREAS it is expedient to prevent the Juveniles in Ajmer-Merwara from smoking tobacco; It is hereby enacted as follows:—

Short title and extent.

**1.** (*1*) This Act may be called the Ajmer-Merwara Juveniles Smoking Act, 193 .

(*2*) It extends to the whole of Ajmer-Merwara.

**2.** In this Act—

Definitions.

(*a*) "Tobacco" means tobacco in any form and includes any smoking mix-

ture intended as a substitute for tobacco; and

(b) "Public place" means any place to which the public for the time being has accesss whether on payment or otherwise, and includes a railway station or railway carriage.

Penalty for selling tobacco.

3 Whoever sells or gives or attempts to sell or give to a child apparently under the age of sixteen years any tobacco, whether for his own use or not, shall be liable on conviction by a magistrate, in the case of a first offence, to a fine not exceeding ten rupees, and, in the case of a second offence, to a fine not exceeding twenty rupees and, in the case of a third or subsequent offence, to a fine not exceeding fifty rupees.

Seizure of tobacco being smoked by juvenile in a public place.

4. If any boy apparently under the age of 16 years be found smoking tobacco in any public place, it shall be lawful for any lambardar, mukkadam, teacher of a recognised school or affiliated college, member of the Legislative Assembly, member of a Municipal Committee, member of a Local Board, member of a District Board, member of a Notified Area Committee, legal practitioner, registered medical practitioner, or magistrate to seize such tobacco and destroy it.

Summary jurisdiction.

5. The Local Government may confer on any Bench magistrate, invested with powers of a magistrate of the second class or the third class, power to try summarily any offence under this Act.

## STATEMENT OF OBJECTS AND REASONS.

The injurious habit of smoking tobacco is spreading amongst the Juvenile population in India, and local Acts to eradicate this evil have been passed in certain Provinces of India. As it is necessary to enact a law to prevent the Juveniles of Ajmer-Merwara from smoking tobacco, this Bill is introduced in the Legislative Assembly. It is framed strictly on the lines of the Central Provincial Juvenile Smoking Act of 1929 A. D.

AJMER;

The 27th December, 1932.

HARBILAS SARDA.

S. C. GUPTA,

Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL NO. 27 OF 1933.

*A Bill further to amend the Indian Penal Code and the Indian Police Act, 1861.*

WHEREAS it is expedient further to amend the Indian Penal Code and the Indian Police Act, 1861; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Nudity Exemption Act, 193 .

(2) It extends to the whole of British India including British Baluchistan and the Sonthal Parganas.

Amendment of section 294, Act XLV of 1860.

2. To section 294 of the Indian Penal Code, the following proviso shall be added, namely:— XLV of 1860.

"Provided that nothing contained in this section shall apply to the case of any saint or religious ascetic who remains or goes about naked in obedience to the rules and practice of his order."

Amendment of section 34, Act V of 1861.

3. In section 34 of the Indian Police Act, 1861, the following proviso shall be added to clause *seventh*, namely:— V of 1861.

"Provided that nothing contained in this clause shall apply to the case of any saint or religious ascetic who remains or goes about naked in obedience to the rules and practice of his order."

## STATEMENT OF OBJECTS AND REASONS.

Act XLV of 1860 and Act V of 1861 were passed at a time when public opinion in India had not developed to any extent and people as a rule did not take much interest in the proceedings of the Legislative Council or in the Acts passed by it. Subsequent experience has shown that great care had not been taken at the time about ascertaining the rules and practices of various orders of saints, divines and ascetics. In the case reported in Bombay Law Reporter, Volume 19, page 792, a Muhammadan Saint was prosecuted for going about naked, and the trying Court, composed of Indian gentlemen, who were cognizant of such rules and practices acquitted the Saint, remarking that his object was not to cause any annoyance to any particular person or the public, and that he was acting from a conscientious objection to wear apparel. But appeal was filed on behalf of the Government in the High Court of Bombay, and the Honourable Judges who most likely were not acquainted with the feelings of the Indians who regard nudity as an emblem of sanctity rather than as assailing modesty and virtue thought it necessary to enforce the strict language of law, and found themselves obliged to convict the accused though exonerating him of any evil or indecent motive. The accused was fined Re. 1 only under the Bombay Police Act which contains a similar provision of law. The case does not seem to

have attracted much notice of the public at that time but is now regarded as a precedent by the Courts, and is being applied in all cases of saints, divines and ascetics. It has in recent times been discovered that the existence of these clauses hampers the observance of the precepts of the various religious and mystic orders which practise nudity. The present Bill is therefore introduced to remove the aforesaid restrictions on the movements of saints, religious ascetics and divines.

B. N. MISRA.

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S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL NO. 28 OF 1933.

*A Bill to remove doubts about the application of the doctrine of representation, in case of succession to Stridhan under the Dayabhag.*

WHEREAS it is expedient to remove all doubts about the rights of grandsons and great grandsons to inherit by representation of their deceased father or grandfather; It is hereby enacted as follows:—

Short title, extent and application.

**1.** (*1*) This Act may be called the Removal of doubts about the application of the doctrine of representation, in case of succession to Stridhan under the Dayabhag Act, 193 .

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall apply to all persons governed by the Dayabhag.

Succession to Stridhan.

**2.** When the son is heir to Stridhan, the son of a predeceased son and the great grandson whose father and grandfather are dead, shall be [illegible] to have the right to inherit according to the doctrine of representation along with the sons, *per stirpes*, under the Dayabhag School.

STATEMENT OF OBJECTS AND REASONS.

The right of representation is allowed in the Dayabhag as far as the great grandson and the term "issue" comprehends not only as many sons as a man may chance to leave behind him, but son's son also and the sons of the latter or great grandsons. The rule of distribution, *per stirpes*, is an exceptional rule and can apply under the authority of special texts as in the case of male descendants within four degrees or in case of distribution of Stridhan. But there is an uncertainty about which the texts are not clear, whether in case of Stridhan, the grandson whose father is dead and the great grandson, whose father and grandfather are dead also inherit along with sons under the Dayabhag according to the doctrine of representation, although the texts seem to favour this view. It is necessary to set this question at rest by removing all doubts about the rights of a grandson by a predeceased son or that of a great grandson by a predeceased grandson whose father also is dead to inherit the Stridhan along with sons, *per stirpes*, where the son is heir to the Stridhan under the Dayabhag School.

3, FEROZSHAH ROAD,
NEW DELHI:
The 15th February, 1933.

AMAR NATH DUTT.

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S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL NO. 29 OF 1933.

*A Bill further to amend the Indian Bar Councils Act, 1926.*

XXXVIII of 1926.

WHEREAS it is expedient further to amend the Indian Bar Councils Act, 1926; It is hereby enacted as follows:—

Short title, extent and commencement.

**1.** (*1*) This Act may be called the Indian Bar Councils (Amendment) Act, 19 .

XXXVIII of 1926.

(*2*) It shall extend to the whole of British India, where the Indian Bar Councils Act, 1926, is in force.

(*3*) It shall come into force on such date as the Governor-General in Council may, by notification in the *Gazette of India*, appoint.

Amendment of section 4, Act XXXVIII of 1926.

**2.** In section 4 of the Indian Bar Councils Act, 1926 (hereinafter referred to as the said Act,— XXXVIII of 1926.

(*a*) sub-section (*3*) shall be omitted; and

(*b*) the proviso to sub-section (*4*) shall be omitted.

Amendment of section 9, Act XXXVIII of 1926.

**3.** In section 9 of the said Act,—

(*a*) to sub-section (*3*) the following words shall be added at the end, namely:—

"and shall also provide for uniformity of rights, privileges and robes of advocates"; and

(b) sub-section (4) shall be omitted.

**4.** In section 14 of the said Act,—

Amendment of section 14, Act XXXVIII of 1926.

(a) in clause (a) of sub-section (1), the words and figures "subject to the provisions of sub-section (4) of section 9" shall be omitted; and

(b) sub-section (3) shall be omitted.

## STATEMENT OF OBJECTS AND REASONS.

The main object of the Indian Bar Councils Act, 1926, was the creation of a united Indian Bar. There are certain provisions in the Act, which stand in the way of creation of a united bar by allowing distinction about rights and privileges among advocates. It is desirable that the Act should be so amended, which will do away with all distinctions among advocates to facilitate the creation of a united Indian bar.

The 29th July, 1932.

AMAR NATH DUTT.

S. C. GUPTA,

Secy. to the Govt. of India.

The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL No. 30 OF 1933.

*A Bill to amend certain provisions of the Indian Penal Code, relating to offences under Chapters VI and VIII of the said Code.*

WHEREAS it is expedient to amend certain provisions of the Indian Penal Code relating to offences under Chapters VI and VIII of the said Code; It is hereby enacted as follows:—

XLV of 1860.

**1.** (1) This Act may be called the Indian Penal Code (Amendment) Act, 193 .

Short title and extent.

(2) It shall extend throughout the whole of British India, and shall have operation outside British India to the same extent as the Indian Penal Code.

XLV of 1860.

**2.** For section 124A of the Indian Penal Code (hereinafter referred to as the said Code), the following section shall be substituted, namely:—

XLV of 1860.

Substitution of new section for section 124A, Act XLV of 1860.

"124-A. Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, excites or attempts to excite, feelings of disaffection to the Government established by law in British India, with intent to incite to disorder, or violence, or the use of force in any form calculated to subvert or resist the lawful authority of the Government, shall be punished with simple imprisonment which may extend to three years, or with fine or with both.

Sedition.

*Explanation.*—Comments expressing disapprobation of the measures of the Government or of the system or methods of administration of the Government with a view to obtain their alteration by all legitimate and peaceful means, without inciting to violence or disorder in any form, do not constitute an offence under this section."

**3.** For section 153A of the said Code the following section shall be substituted, namely:—

Substitution of new section for section 153-A, Act XLV of 1860.

"153A. Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes with intent to incite to disorder or violence or disturbance of public tranquility, shall be punished with simple imprisonment which may extend to two years, or with fine, or with both.

Promoting enmity between classes.

*Explanation.*—It does not amount to an offence within the meaning of this section to point out, without malicious intent or any intention to promote violence or disorder or a disturbance of public tranquility, matters which are producing or have a tendency to produce, feelings of enmity and hatred between different classes of His Majesty's subjects."

## STATEMENT OF OBJECTS AND REASONS.

The recrudescence of prosecutions of newspapers and public workers for sedition for some time past as part of the general policy of revival of repression and "resolute government" and the decisions of the Magistracy and Higher Courts have shown a distinct tendency to widen the scope of this dangerous section of penal law of India. This development renders it necessary that early steps should be taken to amend the law so as to bring it into conformity with the acknowledged principles of civilized and free Governments and with the sound principles on which it was originally based before it was amended and interpreted in its present repressive form by bureaucratic courts and legislation between 1890 and 1908.

The law of sedition was first defined and incorporated in the Penal Code in 1870 at the instance and on the high authority of Sir Fitz James Stephen. The definition of the offence

was made in simple and general terms, followed by an equally general explanation. Its actual scope was then explained by Sir Fitz James Stephen as Law Member, according to the law as it stood and continues to stand in England, in the following clear terms:—

> "So long as a writer or speaker neither directly nor indirectly suggested or intended to produce the use of force, he did not fall within this section. Let it be shown that the matter complained of was not consistent with a disposition to obey the law. Let it be shown that it was consistent only with a disposition to resist the law by force, and it did fall under this section. Otherwise not."

The Judges to whom fell later the task of interpreting the section, however, construed the scope of section as extending far beyond the limits intended by the distinguished framers of the section. They were, of course, not bound by the proceedings, or speeches made in the Legislative Council and they gave the words a much wider meaning than was intended. Not satisfied with this, the Government further enlarged the scope of the law by the amendment of 1898, which was made in the teeth of the unanimous opposition on the part of the then representatives of the people in the Legislative Council.

It is not necessary to detail here the history of the application at the instance of successive administrations of section 124A of the Penal Code to suppress political agitation in India. It is sufficient to say that with the acceptance of the policy of responsible self-Government in India, the restoration of the law of sedition to the position it occupied in other countries and ought to have occupied in India all along, has become imperative.

The terms of the proposed amendments in the Bill do not require lengthy explanation.

Clause 2 states the law of sedition in terms of section 124A as it existed in the Act before it assumed its repressive form in 1898 with the addition of a qualifying clause to prevent the extension of its meaning beyond the limits then intended and now followed in all well-governed countries. The limits of justifiable disaffection have been redefined in the words used by Sir Fitz James Stephen and by the Judges in England. The clause also provides for the only proper punishment that is now imposed in all civilised countries on political offenders for political offences.

Clause 3 defines the law as to the promotion of class hatred on similar lines.

C. S. RANGA IYER.

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S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL NO. 31 OF 1933.

*A Bill further to amend the Imperial Bank of India Act, 1920.*

XLVII of 1920. WHEREAS it is expedient further to amend the Imperial Bank of India Act, 1920; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Imperial Bank of India (Amendment) Act, 1933.

XLVII of 1920. Amendment of section 2, Act XLVII of 1920. **2.** To section 2 of the Imperial Bank of India Act, 1920 (hereinafter referred to as the said Act), the following clause shall be added, namely,—

> "(n) 'Staff Union' means any properly constituted Union of the employees of the Imperial Bank of India, registered under the Indian Trade Unions Act, 1926."

XVI of 1926. Amalgamation of funds and appointment of trustees. **3.** As from the appointed day the Funds mentioned in sub-section (3) of section 6 of the said Act, that is to say,—

(a) the Bank of Bombay Officers' Pension and Guarantee Fund, and

(b) the Bank of Madras Pension and Gratuity Fund, and the Bank of Madras Officers' Provident and Mutual Guarantee Fund,

together with the Bank of Bengal Officers' Pension Fund and Bank of Bengal Guarantee Fund, shall be amalgamated with the Imperial Bank of India Employees' Pension and Guarantee Fund, and at least a two-third majority of the trustees shall be elected by the members for the time being and the rest shall be nominated by the Central Board.

Amendment of section 28, Act XLVII of 1920. **4.** In sub-section (1) of section 28 of the said Act,—

(i) in clause (i) the words "and vice-presidents" shall be omitted;

(ii) for clause (r) the following clause shall be substituted, namely,—

> "The Managing Governor as may be appointed by the Governor-General in Council after consideration of the recommendation of the Central Board. Such Governor shall hold office for such period as the Governor-General in Council may direct; and"

(iii) after clause (v) the following clause shall be inserted, namely,—

> "(vi) such number of persons not exceeding four and three of whom must be Indians as may be nominated by properly constituted staff unions representing the employees of the Bank. Such persons shall

hold office for one year but may be renominated, and "; and

(*iv*) clause (*vi*) shall be renamed as clause (*vii*).

Amendment of section 31, Act XLVII of 1920.

**5.** Clause (*1*) of sub-section (*2*) of section 31 of the said Act shall omitted.

Amendment of schedule II to Act XLVII of 1920.

**6.** The following amendments shall be made in Schedule II to the said Act, namely,—

(*1*) In regulation, 24, for the words "five hundred thousand rupees" the words "one hundred thousand rupees" shall be substituted, and after the words "any three Governors" the following words shall be inserted, namely, "other than those specified in section 28 (*2*)".

(*2*) To clause (*1*) of regulation 25, the words "shareholders present in person being not less than fifty" shall be added.

(*3*) In clause (*2*) of regulation 26, for the words "three months" the words "two months" shall be substituted.

(*4*) For regulation 34 the following regulation shall be substituted, namely,—

"On a poll votes shall not be given by proxy."

(*5*) In clause (*1*) of regulation 39, for the word "officer" the word "employee" shall be substituted, and after the words "the Bank" the words "an officer of the Staff Union" shall be inserted.

(*6*) In clause (*4*) of regulation 42, the words "second or" shall be omitted.

(*7*) In regulation 43,—

(*1*) to clause (*2*) the following proviso shall be added, namely,—

"Provided that no member shall hold office for more than three years"; and

(*2*) clause (*3*) shall be omitted.

(*8*) After regulation 43 the following new regulation shall be inserted, namely,—

"43A. The Local Boards shall consist of the following directors, namely,—

(*1*) Such number of persons not exceeding three as may be elected by the shareholders on the branch register concerned at their annual general meeting.

(*2*) Such number of persons not exceeding three, two of whom at least shall be Indians, as may be elected by the Staff Unions. Such persons shall hold office for one year but may be re-elected.

(*3*) The Secretary of the Local Head Office.

The director specified in clause (*3*) shall be at liberty to attend all meetings of the Local Board and to take part in its deliberations, but shall not be entitled to vote on any question arising at any meeting."

(*9*) In clause (*3*) of regulation 44, the words "second or" shall be omitted.

(*10*) In regulation 50,—

(*i*) after clause (*a*) the following proviso shall be added, namely,—

"No non-Indian shall be appointed without the previous sanction of the Governor-General in Council";

(*ii*) in clause (*b*) the word "pension" shall be deleted; and

(*iii*) to clause (*c*) the following proviso shall be added, namely,—

"Provided a two-thirds majority of the Governors or Directors present, as the case may be, approve of such suspension or removal".

## STATEMENT OF OBJECTS AND REASONS.

The working of the Imperial Bank of India Act, 1920, was reviewed at length by the Indian Central Banking Enquiry Committee. The position of the Imperial Bank of India, pending the creation of the Reserve Bank and after, was also discussed by the aforementioned Committee. The pace of Indianisation of the higher personnel of the Bank, a policy to which the Government of India stand committed, was not found satisfactory by all the members of the Committee. Certain changes were also recommended by the Committee with regard to the composition of the Central Board and the Local Boards of the Bank. This Bill is mainly based on the recommendations of the Committee and seeks to remove the defects found from working of the 1920 Act.

S. C. MITRA.

S. C. GUPTA,
Secy. to the Govt. of India.

The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL No. 32 OF 1933.

*A Bill to abolish the punishment of death for offences under the Indian Penal Code.*

WHEREAS it is expedient to abolish the punishment of death in British India, which may be inflicted in pursuance of sentences passed under the Indian Penal Code; It is hereby enacted as follows:— [XLV] of 1860.

Short title, extent, application and commencement.

**1.** *(1)* This Act may be called the Abolition of Capital Punishment Act, 193 .

*(2)* It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

*(3)* The provisions of this Act shall apply to all persons to whom the provisions of the Indian Penal Code apply. [XLV] of 1860.

*(4)* It shall come into force on the 1st January, 193 .

Abolition of capital punishment.

**2.** Notwithstanding anything contained in the Indian Penal Code whereby Courts are empowered to pass a sentence of death by way of punishment, no Court in British India shall pass such sentence of death for any offence committed in or outside British India, by any person to whom the provisions of this Act apply. XLV of 1860.

*Exception.*—The provisions of this Act shall not affect the provisions of section 132 of the Indian Penal Code or, of the Indian Army Act, 1911, or any other law or Statute passed either by the Indian Legislature or the British Parliament, under which death penalty can be inflicted, and which affects the discipline or maintenance of His Majesty's military, naval or air forces in India. XLV of 1860. VIII of 1911.

STATEMENT OF OBJECTS AND REASONS.

Capital punishment has been wholly or partly abolished in many of the progressive countries of the world. Australia, Belgium, Denmark, Holland, Italy, Norway, Portugal, Sweeden and a few States in America, have already done away with death penalty. Public opinion in England, and in many other countries is also coming round to the view that capital punishment is a relic of barbarism, and is not suited to the social needs of the present time. The plea that capital punishment acts as a deterrent, and exercises a restraining influence, is not borne out by the experience of modern States.

The arguments in support of the abolition of the death penalty are shortly as follows:—

It demoralises those who inflict it; its harshness has the effect of coarsening the public sentiment. To authorise killing is to tamper with the sanctity of human life; sometimes innocent persons have been sentenced to death, and in such cases no reparation is possible. Science has now proved that murders are often committed under the influence of a frenzy, which is of the nature of a disease, and has to be treated like many other diseases by proper therapeutic means. To end the life of such criminal may seem to be a short out; but it has the effect of depriving the culprit of all opportunity of improvement under proper remedial conditions. In times when the dignity of human life was not adequately realised, public conscience tolerated this drastic remedy. But with the growth of a larger perception of the economy of human life, and the need of making the best use of the same, it is necessary that means should be adopted to remove this method of punishment. The principle that punishment for offences should be primarily regarded as a means of correction and reformation of criminals and criminally inclined persons, as also as a means of educating the social conscience of the community against crimes of violence or cruelty makes it imperative under modern conditions that the death penalty for offences should be abolished. The provisions of the Bill are accordingly intended to give effect to the above objects.

The Bill is not intended to affect any Statute of the British Parliament applicable to India; nor does it in any way affect discipline in His Majesty's army, navy, or air force.

GAYA PRASAD SINGH.

S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 24th March, 1933:—

L. A. BILL No. 33 OF 1933.

*A Bill further to amend the Code of Civil Procedure, 1908, for certain purposes.*

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for certain purposes; It is hereby enacted as follows:— [V of] 1908.

Short title.

**1.** This Act may be called the Code of Civil Procedure (Amendment) Act, 19 .

Insertion of a new rule in Order XX of the First Schedule, Act V of 1908.

**2.** In Order XX of the First Schedule to the Code of Civil Procedure, 1908, after rule 10, the following new rule shall be inserted, namely:— V of 1908.

Decree for award of maintenance to Hindu widows.

"10 (A). Where the suit is for award of maintenance to the Hindu widow and she has been found entitled to get maintenance, the Court shall—

*(1)* determine the annual income of the estate out of which her mainten-

ance is payable and award half of such income to such widow if her maintenance is payable out of the estate of her husband; and where the estate out of which her maintenance is payable, is in the hand of her son or sons, then such portion of income shall be awarded to her as would fall to her share if there was a partition by her as against her son or sons, she getting a share on such partition equal to that of a son:

Provided that such maintenance shall not ordinarily exceed Rs. 5,000 a month;

(2) declare that such amount of maintenance will be payable in 12 monthly instalments on the first day of each month;

(3) pass a decree for arrears of maintenance at the same rate as above with interest at 6 per cent. per annum from the date of the death of her husband or son, as the case may be, or from such later date from which she may have ceased to receive maintenance out of the estate liable for it;

(4) make proper provision by way of appointment of a receiver or otherwise for regular payment on the first day of each month, in future, and for payment of the arrears;

(5) declare such maintenance a charge on the estate liable for it;

(6) allot to her for her residence for life and for her exclusive use, the dwelling house which she occupied in the life-time of her husband or shall, in addition to such maintenance as aforesaid, award her a suitable sum for house rent and make provision for its regular payment."

## STATEMENT OF OBJECTS AND REASONS.

1. The Shastras have laid down definitely the persons or class of persons who are entitled to get maintenance. This Bill is not intended any way to modify or expand the Shastra's rule on the point.

2. In these days when the spirit of joint family system is fast disappearing, a widow who is sonless requires greater protection from the State. She requires a larger sum for her maintenance, as she has to meet all the incidental expenses of a separate household establishment than a widow having sons, with whom she might live as a family member. Although a widow having sons is entitled to a share (except perhaps in Southern India) equal to that of a son in the event of a partition of the family Estate in lieu of maintenance according to some, and by virtue of her proprietory right according to others, a sonless widow gets no share at all if her husband dies in a state of jointness with his male co-partners; and even if he dies while separate from them, she gets no share in the inheritance, if the husband likes to disinherit her by testamental dispositions.

3. Under the Hindu Shastras, a wife is a co-owner with her husband in all his properties [*See* (1) Mr. Justice Dwarkanath Mitter's Position of Women, P. 274—78—85, (2) 11 C. L. J., P. 587], and it is by virtue of this right, that she gets a share equal to that of her husband (except perhaps in Madras, *See* I. L. R. 8 Mad. at 123 F. B.) in the event of a partition of the family estate in the life-time of her husband; and equal to that of a son, if there is a partition after his death, amongst the sons. Some of the commentators, particularly Mitra Mesia, have, however, laid down that her co-ownership is merely fictional and not real, in as much on the authority of a text of apartment, he can never demand a partition (*See* D. L. R. 4 All. 296). But this position is not accepted by others, particularly Vachaspati Misra, the author of the Vivada Chintamani, the most authoritative commentary of the Mithila School (*See* 20 W. R. 137 P. C.). According to him, the text of Apastamb refers to nopartibility of the fruits of the religious rites and ceremonies and does not apply to her right to partition of the properties. And he has clearly laid down that she can demand partition as against her husband (*See* Tagore's Translation of the Vivada Chintamani, as revised by Jogendra Chandra Ghose, in his Hindu Law, Volume 2). Even the Mitakshara is not altogether against her right to claim partition, although its views have been very much misunderstood. What it lays down is that she can have a partition, but only by the choice of her husband (*See* I. L. R.-32 Cal. at 242).

4. It is unfortunate, as has been pointed out by some Judges that Mr. Colebrooke did not translate the chapter of the Mitakshara dealing with woman's rights and consequently the earlier decisions of the British courts, based mainly upon rule of the English translations of the Shastras as were available to them, have very injuriously affected the rights of the Hindu woman in her husband's property.

5. It must also be remembered that under the Hindu Shastras there are only two aspects of the rights of a Hindu widow in her husband's property, *viz.* :—

1. Under the Mitakshara School her right to mere maintenance, if her husband die while joint with his male co-parceners and leaves only ancestral properties though the case is different under the Dayabhag Law.

2. Her right to succeed to the husband's self-acquired properties, even if he died joint with his co-parceners (*See* the Sivaganga case, 9 M. I. A. at 610) and to his ancestral properties if he died separate from his co-parceners. (Under the Mitakshara School.)

6. The denial of her right to inherit even the separate property of her husband, under the Mitakshara or the Dayabhag School if the husband chooses to disinherit her by Testamentary dispensation is the creation of case law based upon the doctrine of a testamentary power of a husband, a doctrine which is clearly foreign to Hindu Law:

See 8 M. I. A. 85.

7. The Hindu Law has, however, clearly laid down that a man is bound to maintain his wife, aged parents and infant child, even if he has no property. The decisions of our Courts also recognise the right of a Hindu widow to a suitable maintenance out of the Estate of her husband. What is yet left uncertain is as to the minimum and maximum amount of the maintenance to which she is entitled with reference to the income of the Estate, which is liable for her maintenance. This Bill seeks to remove this uncertainty as far as any general rule can be laid down on such a point.

8. It has been frequently noticed that a Hindu widow, who is unfortunately sonless finds herself in great difficulty as soon as her husband dies. Those who succeed to the Estate regard even any grant of maintenance to her more or less as an act of charity or grace on their part. Very often she finds none to help her as against those who take possession of the estate, for those, who take her part, are characterised as interested persons trying to prevent litigation in the family. She may have lived in palaces, may be high placed in society, may have led a life of affluence and a luxury, in the lifetime of her husband, but soon after the death of her husband, her condition becomes pitiable. Being ordinarily a *pardanashin* lady, she is unable to secure the help from any outsider and has thus to submit to the wishes of those who take possession of the estate.

9. In our Courts, she is at a great disadvantage. We all know that to fight out cases properly in a law Court, one requires a sufficient fund, which most of such widows have not at their disposal. Consequently they are very seldom not well represented in Courts, although their adversaries are able to secure the services of leaders of the bar. For want of funds, they are in majority cases unable to pay the necessary court-fee. They have to begin with pauper applications which are opposed and in majority of cases successfully. If anyhow they get over the difficulty at this stage, their difficulty at the trial of the suit is almost unsurmountable, as for want of funds they are unable to engage competent lawyers they are unable to produce all the materials before the Courts to satisfy the several tests laid down by decisions, as factors for fixing the amount. Moreover, they are as a rule very much hampered in prosecution of their cases on account of the influence of their adversaries.

10. Some of the Judges are often inclined to the view that maintenance for a Hindu widow means bare means of living and they fix the amount, keeping this principle in view, as there is no rule of law to control the discretion of the Judges in this matter.

11. It is laid down in the Hindu Shastras that if a man fails to maintain his wife who is blessed with a son, without any fault on her part, she should be given one-third of the income of the estate of her husband in lieu of her maintenance and relying upon this principle as embodied in a text of Yajnavalkya, the Bombay High Court awarded one-third of the income of the estate as maintenance to a Hindu widow, *vide* (*i*) I. L. R. 11 Bom. 199, (*ii*) 9 B. H. C. R. 283. But the Courts generally do not regard this as a binding rule. The difficulty has now become greater in view of a recent pronouncement of the Honourable the Judicial Committee of the Privy Council reported in All. I. R. 1929 P. C. 128. (Ekardeswarie Bhuasen's case) where it has been laid down that there is no warrant in Hindu Law for fixing a particular proportion of the income of the husband's estate to be given to his widow for maintenance.

12. Thus, in the absence of a definite rule of law on the point, the amount to be fixed is left to the sole discretion of the Judge. The result is that very much depends upon the inclination and the mentality of the Judge and probably upon his own idea of the necessities of a widow life. It is, within the experience of some of the Honourable Members who have had to deal with such cases, that European Judges take a much more favourable view of the widow's necessities and award a much larger sum than Indian Judges, on almost the same set of facts, are inclined to award. To give a concrete instance, I may say that in one case, while the Privy Council allowed Rs. 15,000 a year as maintenance to a Hindu widow, where the income of the property of her husband was, on evidence before them, somewhere between 45 and 50 thousand, which was held to have devolved upon her husband's brother E by reason of family custom, and which accordingly passed to E; but when E's sonless widow sued for maintenance, as against her three step sons, possessing income of both the estates (*i.e.*, J's estate and E's estate), yielding over a lakh a year the latter was allowed by a Sub-Judge only Rs. 350 a month. The Sub-Judge's judgment was upheld by High Court and by the Privy Council on the general principle that a trial court's judgment on a question of amount should not be lightly disturbed. (*See* I. L. R. 42 Cal. 607 P. C.) (Ekardeswarie's case).

All. I. R. 1929 P. C. (Ekardeswarie's case).

13. Another important reason for the introduction of a Bill like the present has now arisen, in view of the said pronouncement of the P. C. where they laid down as a rule of law that the question of the amount being one of fact, should not be disturbed by the Court of Appeal and in any case, not by the Second Court of appeal, treating the finding as one of fact.

14. In order, therefore, to make the Law definite and relieve the helpless widows of their difficulties in getting adequate relief

from the Courts, a definite rule of law, fixing the minimum and maximum proportion of income of the estate to be given to a Hindu widow, is necessary, as it will afford a basis for the Courts to proceed to determine the amount of maintenance.

15. As regards the arrears of maintenance which a Hindu widow is entitled to recover out of the estate of her husband, the Law does not seem quite settled. In spite of the earlier pronouncement of the Privy Council in her favour on the point, the Bombay High Court has laid down that the award of arrears is entirely discretionary with the Court (*Vide* I. L. R. 36 Bombay 383), and the Sub-Judge and the Patna High Court in Ekardeswarie Bhuasen's case, refused to allow her any arrears and actually disallowed it, on the doctrine of the discretion of the Court, as also on the ground that there was no formal demand.

16. This judgment of the High Court was upset by the Privy Council in the abovementinoed case (All. L. R. 1929 P. C.) where they allowed the arrears and have further laid down, as a rule of law, that a widow is entitled to maintenance from the time of the death of her husband. In view of the difference of opinion in the decisions, it is desirable that the principle laid down by the Privy Council should receive recognition by the Legislature.

17. The maintenance of a widow is, under the Shastras, a charge upon the husband's estate. The decisions of our Courts have, however, made the position doubtful, and in several cases, it has been laid down that such maintenance is not a charge upon the estate, unless it is so declared either by a decree of the Court, or by a contract between the parties. This leads to hardship in many cases. If the persons succeeding to such estate sell away the corpus of the estate, either to defraud her or to meet their own necessities, the widows find it difficult to realise the maintenance—awarded by the Courts. Such persons are not held personally liable and such purchasers are protected by the doctrine of a *bona fide* purchase for value, without notice. The husband himself, if he is so inclined, can create difficulty in this matter by reckless alienation of his properties. It is, therefore, very desirable that the Law on this point should be definitely laid down by the Legislature, and her maintenance be declared to be a first charge upon her husband's properties.

18. Another safeguard which is necessary in the interests of such widows for timely realisation of her maintenance, even after the decree, is the one laid down by Sir Lawrence Jenkins (in I. L. R. 26 Cal. 4411).

This case has been followed in two unreported decisions of the Patna High Court. Provision has been made in this Bill for such safeguards, in the absence of which, a decree of the Court may often become fruitless. We know the difficulty of a decree-holder begins often when he gets a decree, as was pointed out by an eminent Judge. The person liable may drag on the execution case for long, and if the widow has to execute her decree every month for her monthly allowance, she will probably be able to realise it, if at all, after a year or two, if not later.

19. Similarly, with respect to her residence she may have lived in a palace in the lifetime of her husband, but as soon as her husband dies, she is considered to have no right to continue to occupy that house. There have been cases where widows have been actually turned out of the residential houses by persons succeeding to the estate.

20. This Bill seeks to remove the difficulties of helpless widows in these matters.

RAM KRISHNA JHA.

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S. C. GUPTA,
Secy. to the Govt. of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

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The following Report of the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose was presented to the Legislative Assembly on the 1st April, 1933:—

WE, the undersigned, Members of the Select Committee to which the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose (amendment of section 4) was referred, have considered the Bill, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

A proposal that sub-clause (*b*) of clause 2 should be omitted was lost by a majority. In the view of those of us who support the retention of the sub-clause if profits or gains brought into British India after the expiry of three years from the year in which they accrued or arose are to be exempt the effect is to confer an advantage upon the wealthy man who can afford, as the poor man cannot, to leave his money abroad for three years. It was argued by some of our members that, under the law as it will stand if this Bill is passed, the temporary resident in India will have an advantage over the permanent resident inasmuch as the temporary resident need not bring into British India profits or gains now made assessable to income-tax, but may leave them abroad to be enjoyed by him after his retirement from British India; while the permanent resident himself, or his children after him, must at some time bring such monies into British India.

We consider that the Bill should make it perfectly clear that the changes now made are not to have retrospective effect, that is to say, that profits or gains of business accruing or

arising before the passing of the Act should be exempt unless they are brought into British India within three years of the end of the year in which they accrued or arose, and other profits or gains which accrued before the passing of the Act should be exempt no matter when they are brought into British India.

We further decided by a majority that if an accumulation of profits and gains extending over a period of several years is brought in in any one year and the assessee is liable to super-tax, the rate or rates of super-tax applicable to the accumulation should be computed by taking into account only a portion of the accumulation representing the total divided by the number of years included in the period and applying the rates so determined in turn to the amounts representing each of the years included in the period. Thus to take a concrete example:

A person's total British Indian income is Rs. 50,000. He brings in in one year a sum of Rs. 3 lakhs earned abroad over a period which includes three years or parts of three years. In calculating his super-tax his total income will be computed not as Rs. 3,50,000 but as Rs. 50,000 *plus* Rs. $\frac{3,00,000}{3}$, that is, Rs. 1,50,000. The rates of super-tax applicable will thus be—

for the first thirty thousand rupees—*nil*.

for the next twenty thousand rupees—9 pies in the rupee.

for the next fifty thousand rupees—15 pies in the rupee.

for the next fifty thousand rupees—21 pies in the rupee.

The highest rates applicable to Rs. 1,00,000 of foreign income are, thus, 15 pies for Rs. 50,000 and 21 pies for the second fifty thousand. The rupees 1,00,000 of foreign income will be treated as that portion of the total income of Rs. 1,50,000 which carries the highest rates, *i.e.*, as the Rs. 50,000 taxable at 15 pies and the Rs. 50,000 taxable at 21 pies. These rates will then be applicable to each of the sums of Rs. 1,00,000 representing the foreign income of the second and third years. The total super-tax payable will thus be—

9 pies on Rs. 20,000,

15 pies on Rs. 50,000 × 3,

21 pies on Rs. 50,000 × 3,

In our redraft of the Bill we have endeavoured to give effect to these decisions. We have also inserted the word "income" before the words "profits or gains" whenever they occur to bring the wording of sub-section (*2*) of section 4 into line with that of sub-section (*1*).

2. The Bill was published in the *Gazette of India*, dated the 10th September, 1932.

3. We think that the Bill has not been so altered as to require republication.

*B. L. MITTER.
*GEORGE SCHUSTER.
*J. B. VACHHA.
*N. N. ANKLESARIA.
*MOHD. AZHAR ALI.
*H. S. GOUR.
VASUDEVA RAJAH.
*COWASJI JEHANGIR (JUNIOR).
*SATYENDRANATH SEN.
*R. T. H. MACKENZIE.
MOHAMMAD YAKUB.
*B. V. JADHAV.

NEW DELHI,
The 1st April, 1933.

*Subject to a Minute of Dissent.

## MINUTES OF DISSENT.

We dissent from the recommendations contained in the report "that if an accumulation of profits and gains extending over a period of several years is brought in in any one year and the assessee is liable to super-tax, the rate or rates of super-tax applicable to the accumulation should be computed by taking into account only a portion of the accumulation representing the total divided by the number of years included in the period and applying the rates so determined in turn to the amounts representing each of the years included in the period."

Such a provision is designed to benefit an assessee residing in British India who has money invested abroad and who for his own convenience has allowed the interest or dividends on such investment to accumulate abroad without annual deductions of British India income-tax. If, as a result of this process, the assessee finds himself liable to pay super-tax on such income when he *does* bring it into British India at higher rates than would have been the case if he had brought it in regularly when received, then he should face the consequences. The remedy lies in his own hands by bringing back his income and paying the tax on it as and when it arises, just as is done by other residents in British India who invest their money in the country. We do not see why the law should go out of its way to protect such individuals.

GEORGE SCHUSTER.
B. L. MITTER.
J. B. VACHHA.
N. N. ANKLESARIA.

We the following members of the Select Committee recommend that in view of the far reaching effects of the Bill it be circulated for the purpose of eliciting opinions thereon before the Select Committee Report is considered by the House. Some of us intended to add this recommendation in the body of the Select Committee's Report but the Chairman ruled it out of order.

B. V. JADHAV.
MOHAMMAD AZHAR ALI.
R. T. H. MACKENZIE.
COWASJI JEHANGIR.
SATYENDRANATH SEN.
H. S. GOUR.

The 31st March, 1933.

L. A. BILL No. 33 OF 1932.

[AS AMENDED BY THE SELECT COMMITTEE.]

**(Words printed in italics indicate the amendments suggested by the Committee.)**

*A Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.*

WHEREAS it is expedient further to amend the Indian Income-tax Act, 1922, for the purpose hereinafter appearing; It is hereby enacted as follows:— XI of 1922.

Short title and commencement.

**1.** (*1*) This Act may be called the Indian Income-tax (Amendment) Act, 1933.

(*2*) It shall come into force on the 1st day of April, 1933.

XI of 1922. Amendment of section 4, Act XI of 1922.

**2.** In sub-section (*2*) of section 4 of the Indian Income-tax Act, 1922,—

(*a*) *for the words " Profits and gains of a business " the words " Income, profits and gains " shall be substituted, and before the word " profits," where it occurs for the second time, the word "income," shall be inserted;*

(*b*) the words " provided that they are so received or brought in within three years of the end of the year in which they accrued or arose" shall be omitted;

(*c*) *the following provisos shall be added, namely:—*

*" Provided that nothing contained in this sub-section shall apply to any income, profits or gains so accruing or arising prior to the 1st day of April, 1933, unless they are income, profits or gains of a business and are received in or brought into British India within three years of the end of the year in which they accrued or arose:*

*Provided further that where an accumulation of such income, profits or gains accruing or arising over a period of more than one year is received in or brought into British India in one year super-tax if chargeable shall be charged on each separate portion of such accumulation representing the total accumulation divided by the number of years comprised in whole or in part in the period at the rate or rates which would have been applicable if such portion only had been received in or brought into British India in that year, and represented the portion of the assessee's income chargeable with the highest rates applicable."; and*

(*d*) *in the Explanation, before the word " profits " the word " income," shall be inserted.*

S. C. GUPTA,
Secy. to the Govt. of India.

We the following members of the Select Committee recommend that in view of the far reaching effects of the Bill it be circulated for the purpose of eliciting opinions thereon before the Select Committee Report is considered by the House. Some of us intended to add this recommendation in the body of the Select Committee's Report but the Chairman ruled it out of order.

B. V. JADHAV.
MOHAMMAD AZHAR ALI.
R. F. H. MACKENZIE.
COWASJI JEHANGIR.
SATYENDRANATH SEN.
H. S. GOUR.

The 31st March, 1933.

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L. A. BILL No. 33 OF 1932.

[AS AMENDED BY THE SELECT COMMITTEE.]

(Words printed in italics indicate the amendments suggested by the Committee.)

*A Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.*

WHEREAS it is expedient further to amend the Indian Income-tax Act, 1922, for the purpose hereinafter appearing; It is hereby enacted as follows:— XI of 1922.

Short title and commencement. 1. *(1)* This Act may be called the Indian Income-tax *(Amendment)* Act, 1933.

*(2) It shall come into force on the 1st day of April, 1933.*

Amendment of section 4, Act XI of 1922. 2. In sub-section (2) of section 4 of the Indian Income-tax Act, 1922,— XI of 1922.

(a) *for the words "Profits and gains of a business," the words "Income, profits and gains" shall be substituted, and before the word "profits", where it occurs for the second time, the word "income," shall be inserted;*

(b) the words "provided that they are so received or brought in within three years of the end of the year in which they accrued or arose" shall be omitted;

(c) *the following proviso shall be added, namely:—*

*"Provided that nothing contained in this sub-section shall apply to any income, profits or gains so accruing or arising prior to the 1st day of April, 1933, unless they are income, profits or gains of a business and are received in or brought into British India within three years of the end of the year in which they accrued or arose:*

*Provided further that where an accumulation of such income, profits or gains accruing or arising over a period of more than one year is received in or brought into British India in one year super-tax if chargeable shall be charged on each separate portion of such accumulation representing the total accumulation divided by the number of years comprised in whole or in part in the period at the rate or rates which would have been applicable if such portion only had been received in or brought into British India in that year, and represented the portion of the assessee's income chargeable with the highest rates applicable."; and*

(d) *in the Explanation, before the word "profits" the word "income," shall be inserted.*

S. C. GUPTA,
Secy. to the Govt. of India.

Registered No. L. 864.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, APRIL 28, 1933.

## PART IV.

### Acts of the Indian Legislature assented to by the Governor-General.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor-General on the 8th April, 1933, and is hereby promulgated for general information:—

ACT No. VIII OF 1933.

*An Act to supplement the Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932.*

of 1894. WHEREAS it is expedient to amend the Indian Tariff Act, 1894, in order to supplement the Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932; It is hereby enacted as follows:—

of

Short itle. **1.** This Act may be called the Indian Tariff (Ottawa Trade Agreement) Supplementary Amendment Act, 1933.

of 1894. Amendment of the Second Schedule to Act VIII of 1894. **2.** In the Second Schedule to the Indian Tariff Act, 1894, there shall be made the amendments specified in the Schedule to this Act.

THE SCHEDULE.
*(See section 2.)*

*Amendments to the Second Schedule to the Indian Tariff Act, 1894.*

1. In Item No. 50, after the word " green " the words and brackets " (ferrous sulphate) " shall be added.

2. In Item No. 88, for the words " ferrous sulphate," the words and brackets " alum (namely, potash alum, soda alum and ammonia alum)," shall be substituted.

3. In Item No. 95, after the words " white lead," the words " moist white lead," shall be inserted.

4. In Item No. 98, the words " copper braziers " shall be omitted.

5. After Item No. 98, the following heading and item shall be inserted, namely:—

" PAPER, PASTEBOARD AND STATIONERY.

| | |
|---|---|
| 99 | PRINTING PAPER, all sorts not otherwise specified which contain mechanical wood pulp amounting to not less than 70 per cent. of the fibre content; and STRAW BOARD, all sorts." |

6. Item No. 117 shall be omitted.



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7. After Item No. 118, the following item shall be inserted, namely:—

| | |
|---|---|
| " 119 | TEA CHESTS and parts and fittings thereof." |

8. In Item No. 185, after the word "specified," the words "including incandescent mantles but" shall be inserted.

9. In Item No. 197, for the word "AND", where it first occurs, the words "including chrome, marble, flint, poster and stereo printing paper;" shall be substituted.

10. In Item No. 222, for the entry in the second column the following entry shall be substituted, namely:—

"LUBRICATING OIL, that is, oil such as is not ordinarily used for any other purpose than lubrication, excluding any mineral oil which has its flashing point below two hundred degrees of the Fahrenheit thermometer by Abel's close test."

11. In Item No. 228, the figures and words "15 per cent." in the sixth column shall be omitted.

12. In Item No. 229, for the figures "231" the figures "230" shall be substituted.

13. After Item No. 232 the following item shall be inserted, namely:—

| | | | | | |
|---|---|---|---|---|---|
| "232A | Gold or gold-plated PEN NIBS. | *Ad valorem.* | 50 per cent. | 40 per cent. | .." |

14. After Item No. 240, the following item shall be inserted, namely:—

| | | | | | |
|---|---|---|---|---|---|
| "240A | The following GLASS-MAKING MATERIALS, namely, liquid gold, and covered crucibles for glass-making. | *Ad valorem.* | 25 per cent. | 15 per cent. | .." |

D. G. MITCHELL,
Joint Secy. to the Govt. of India.

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The following Act of the Indian Legislature received the assent of the Governor-General on the 13th April, 1933, and is hereby promulgated for general information:—

ACT NO. IX OF 1933.

*An Act to supplement the provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay Special (Emergency) Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law (Amendment) Act, 1932, for certain purposes.*

WHEREAS it is expedient to supplement by legislation in the Indian Legislature the provisions of the Bengal Public Security Act, 1932, the Bihar and Orissa Public Safety Act, 1933, the Bombay Special (Emergency) Powers Act, 1932, the United Provinces Special Powers Act, 1932, and the Punjab Criminal Law (Amendment) Act, 1932, for the purposes hereinafter appearing; It is hereby enacted as follows:—

[Margin: ... Act of ... B. and O. ... of 1933. ... Act. ... of 1932. ... Act ... of 1932. ... Pb. Act. ... of 1932.]

Short title.

**1.** This Act may be called the Provincial Criminal Law, Supplementing Act, 1933.

Appeals.

**2.** (*1*) An appeal shall lie to the High Court of Judicature at Fort William in Bengal from—

(*a*) any sentence passed by a Special Magistrate in any trial held under the Bengal Public Security Act, 1932, in the Presidency-town of Calcutta, and

(*b*) any sentence of imprisonment for a term exceeding 4 years passed by a Special Magistrate in any trial under the said Act held outside the Presidency-town of Calcutta.

(*2*) An appeal under sub-section (*1*) shall be presented within thirty days from the date of the sentence, and shall be disposed of by the High Court in the manner provided in Chapter XXXI of the Code of Criminal Procedure, 1898, for the hearing of appeals. V of 1898.

Effect of certain sections in provincial Acts.

**3.** Section 15 of the Bihar and Orissa Public Safety Act, 1933, section 29 of the Bombay Special (Emergency) Powers Act, 1932, and section 14 of the United Provinces Special Powers Act, 1932, shall have effect as if these sections had been enacted by the Indian Legislature. B. and O. Act I of 1933. Bom. Act XVI of 1932. U. P. Act XIV of 1932.

Jurisdiction barred.

**4.** Except as provided in the Bengal Public Security Act, 1932, as supplemented by this Act, no proceeding or order purporting to be taken or made under the Bengal Public Security Act, 1932, shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under the said Act or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under the said Act. Ben. Act XXII of 1932. Ben. Act XXII of 1932.

Bar of issue of directions of the nature of a *habeas corpus*.

**5.** The powers conferred by section 491 of the Code of Criminal Procedure, 1898, shall not be exercised in respect of any person arrested, or committed to or detained in custody under the provisions of the Punjab Criminal Law (Amendment) Act, 1932. V of 1898. Punjab Act III of 1932.

Certain powers of High Court not affected.

**6.** Nothing contained in this Act shall affect the powers of a High Court under section 107 of the Government of India Act.

L. GRAHAM,
Secy. to the Govt. of India.

The following Act of the Indian Legislature received the assent of the Governor-General on the 13th April, 1933, and is hereby promulgated for general information:—

ACT No. X OF 1933.

*An Act further to amend the Auxiliary Force Act, 1920, for certain purposes.*

WHEREAS it is expedient further to amend the Auxiliary Force Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

**1.** This Act may be called the Auxiliary Force (Amendment) Act, 1933.

Amendment of section 2, Act XLIX of 1920.

**2.** In section 2 of the Auxiliary Force Act, 1920 (hereinafter referred to as the said Act), for the definition of "competent military authority" the following definition shall be substituted, namely:—

"'competent military authority' means the authority prescribed as competent to perform or exercise all or any of the duties imposed or powers conferred on the competent military authority by this Act;".

Amendment of section 5, Act XLIX of 1920.

**3.** In sub-section (2) of section 5 of the said Act, before the words "An applicant for enrolment" the words "Subject to the prescribed conditions," shall be inserted, and the words "located in the prescribed military area within which he for the time being resides" shall be omitted.

Amendment of section 9, Act XLIX of 1920.

**4.** In section 9 of the said Act,—

(a) for the words "has not attained the age of thirty-one years" the words "is included in the Active Class" shall be substituted;

(b) for the words "the preliminary training specified in Schedule I" the words "preliminary training of such amount as may be ordered by the competent military authority subject to the limits specified in Schedule I" shall be substituted;

(c) in the first proviso, for the words "competent military authority" the words "Officer Commanding the corps or unit to which such enrolled person belongs" shall be substituted; and

(d) for the second proviso the following proviso shall be substituted, namely:—

"Provided further that any person may be exempted either wholly or in part by the Officer Commanding his corps or unit from the necessity of undergoing preliminary training required by this section, and shall, on the publication in the orders of the corps or unit of such exemption, be deemed to the extent of such exemption to have completed such preliminary training."

Repeal of section 10, Act XLIX of 1920.

**5.** Section 10 of the said Act shall be omitted.

Amendment of section 11, Act XLIX of 1920.

**6.** In section 11 of the said Act,—

(a) the words and brackets "(other than a person to whom the provisions of section 10 apply)" shall be omitted, and for the words "as hereinafter provided" the words "by the Officer Commanding the corps or unit to which he is appointed" shall be substituted;

(b) after clause (a) the word "or" shall be inserted, and for clauses (b) and (c) the following shall be substituted, namely:—

"(b) the Reserve Class;"; and

(c) for the words "the periodical training specified in Schedule I" the words "periodical training of such amount as may be ordered by the competent military authority subject to the limits specified in Schedule I" shall be substituted.

Amendment of section 12, Act XLIX of 1920.

**7.** In section 12 of the said Act,—

(a) in sub-section (2),—

(i) the words "or entitled to rank as officers of His Majesty's Forces" shall be omitted;

(ii) in clause (a), for the word "and" the words "or who being so required" shall be substituted, and for the words "until the end of the training year in which he attains the age of thirty-one years" the words "until he is transferred to the Reserve Class by order of the Officer Commanding the corps or unit" shall be substituted; and

(iii) for clauses (b) and (c) the following clause shall be substituted, namely:—

"(b) every such person who is transferred from the Active Class under the provisions of clause (a) or who on enrolment is assigned to the Reserve Class by order of the Officer Commanding the corps or unit shall be included in the Reserve Class.";

(b) in sub-section (3), the words "to be entitled to rank as an officer of His Majesty's Forces or", the words "section 10 or" and the words "as the case may be" shall be omitted;

(c) in sub-section (4),—

(i) for the words "either Class of the Reserve" the words "the Reserve Class" shall be substituted;

(ii) for the words "for any training year in any other Class for which more periodical training is specified in Schedule I" the words "in the Active Class" shall be substituted; and

(iii) after the word "shall" the words if the competent military authority grants the application," shall be inserted; and

(d) sub-section (5) shall be omitted.

Amendment of section 13, Act XLIX of 1920.

8. In section 13 of the said Act,—

(a) for clause (a) of sub-section (1) the following clause shall be substituted, namely:—

"(a) on the recommendation of the Advisory Committee, direct that any enrolled person included in the Active Class shall, for the purposes of periodical training, be included for any stated period in the Reserve Class, or";

and

(b) in sub-section (2), for the words "to each person" the words "in respect of each individual or unit or part thereof" shall be substituted.

Amendment of section 14, Act XLIX of 1920.

9. In section 14 of the said Act, for the words "competent military authority", where they first occur, the words "Officer Commanding the corps or unit to which he belongs" shall be substituted.

Amendment of section 15, Act XLIX of 1920.

10. In sub-section (2) of section 15 of the said Act, for the words "specified in Schedule I for" the words "to which he is liable in" shall be substituted.

Amendment of section 28, Act XLIX of 1920.

11. In sub-section (1) of section 28 of the said Act, the words "or a military officer appointed by him in this behalf" shall be omitted.

Amendment of section 30, Act XLIX of 1920.

12. In sub-section (2) of section 30 of the said Act,—

(a) after clause (a) the following clause shall be inserted, namely:—

"(aa) prescribe the authority which shall be the competent military authority for any purpose under this Act;";

(b) to clause (c) the following words shall be added, namely:—

"and the conditions governing applications to be enrolled in a particular branch, corps or unit";

and

(c) in clause (f), before the word "rates" the words "conditions governing the grant of, and the" shall be inserted.

Amendment of Schedule I, Act XLIX of 1920.

13. In Schedule I to the said Act, in item No. 2,—

(a) sub-item (2) shall be omitted; and

(b) sub-item (3) shall be re-numbered as sub-item (2), and in that sub-item, as so re-numbered, in the first column, for the words "Second (B) Class Reserve" the words "Reserve Class" shall be substituted, and in the second column, the words "for this Class" shall be omitted.

L. GRAHAM,
Secy. to the Govt. of India.

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The following Act of the Indian Legislature received the assent of the Governor-General on the 16th April, 1933, and is hereby promulgated for general information:—

ACT. No. XI OF 1933.

*An Act further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.*

XXI of 1923. WHEREAS it is expedient further to amend the Indian Merchant Shipping Act, 1923, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Merchant Shipping (Amendment) Act, 1933.

(2) It shall come into force on such date as the Governor-General in Council, may, by notification in the *Gazette of India*, appoint.

Amendment of section 155, Act XXI of 1923.

2. In section 155 of the Indian Merchant Shipping Act, 1923 (hereinafter referred to as the said Act),— XXI of 1923

(a) clause (c) shall be omitted;

(b) clauses (d), (e) and (f) shall be re-lettered as clauses (c), (d) and (e), respectively;

(c) after clause (e), as so re-lettered, the following clause shall be inserted, namely:—

"(f) in the case of a native passenger ship, that food, fuel and pure water over and above what is necessary for the crew, and the other things (if any) prescribed for native passenger ships, have been placed on board, of the quality prescribed, properly packed, and sufficient to supply the native passengers on

board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the prescribed scale:

Provided that, if the officer appointed in this behalf by the Governor-General in Council is satisfied that a native passenger has brought on board for his own use food of the quality and in the quantity prescribed, such native passenger shall not be included among the number of native passengers for the purpose of the supply of food under this clause; ";

(d) after clause (h) the following clause shall be inserted, namely:—

"(i) in the case of a pilgrim ship, that food and pure water over and above what is necessary for the crew, and the other things (if any) prescribed for pilgrim ships, have been placed on board, of the quality prescribed, properly packed and sufficient to supply the pilgrims on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the prescribed scale; ";

and

(e) clause (i) shall be re-lettered as clause (j).

Omission of section 156, Act XXI of 1923.

**3.** Section 156 of the said Act shall be omitted.

Amendment of section 166, Act XXI of 1923.

**4.** In section 166 of the said Act,—

(a) the words "or pilgrim", where they first occur, shall be omitted,

(b) for the words "any passenger or pilgrim" the words "any native passenger" shall be substituted; and

(c) after the words "fuel and water," the words "or, if the master of a pilgrim ship, without reasonable excuse, the burden of proving which shall lie upon him, omits to supply to any pilgrim the prescribed allowances of cooked and uncooked food and of water," shall be inserted.

Amendment of section 167, Act XXI of 1923.

**5.** In sub-section (1) of section 167 of the said Act, for the word "twenty" the word "fifty" shall be substituted.

Amendment of section 193, Act XXI of 1923.

**6.** In sub-section (1) of section 193 of the said Act, for the words "the space for the time being required for passengers under this Act", the words "sixteen and ninety-six, respectively" shall be substituted.

Amendment of section 201, Act XXI of 1923.

**7.** In section 201 of the said Act,

(a) in sub-section (1), after the words "as may be prescribed", the following words shall be inserted, namely:—

"and such medical officers and attendants shall give their services free to all sick pilgrims on board";

(b) in sub-section (2),—

(i) for the words "If this section is not complied with", the words "If medical officers and attendants are not carried on a pilgrim ship in accordance with the provisions of sub-section (1)" shall be substituted; and

(ii) for the words "five hundred" the words "three thousand" shall be substituted; and

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Any medical officer or attendant on a pilgrim ship who charges any pilgrim on such ship for his services shall be liable to a fine which may extend to two hundred rupees."

Substitution of new section for section 205, Act XXI of 1923.

**8.** For section 205 of the said Act the following section shall be substituted, namely:—

Bond where pilgrim ship proceeds on outward voyage.

"205. (1) Port-clearance shall not be granted from any port in British India to any pilgrim ship unless the master, owner or agent and two sureties resident in British India have executed, in favour of the Secretary of State for India in Council, a joint and several bond for the sum of ten thousand rupees covering all voyages which may be made by the ship in the current pilgrim season, conditioned that—

(a) where any voyage does not begin at Aden, the ship shall, if so required by an order under section 203, touch at Aden on the outward voyage, and there obtain the certificate required under that section,

(b) the master and medical officer or officers, if any, shall comply with the provisions of this Part and the rules made thereunder, and

(c) the master, owner or agent (as the case may be) shall pay any sum claimed by the Governor-General in Council under section 209A.

(2) A bond may be given under this section covering any or all of the pilgrim ships owned by one owner, and in such cases the amount of the bond shall be ten thousand rupees for each ship covered."

**9.** In section 206 of the said Act, after sub-section (*1*), the following sub-section shall be inserted, namely:—

Amendment of section 206, Act XXI of 1923.

"(*1A*) No pilgrim shall be received on board any pilgrim ship unless he produces medical certificates signed by persons who, in the opinion of the officer making an inspection under this section, are duly qualified to grant such certificates, showing that such pilgrim—

(*a*) has been inoculated against cholera within six months before the inspection, and

(*b*) has been vaccinated against small-pox within five years before the inspection:

Provided that the officer making the inspection may dispense with the certificate of vaccination, if in his opinion the pilgrim has marks showing that he has had small-pox."

**10.** For the proviso to section 208A of the said Act the following proviso shall be substituted, namely:—

Substitution of new proviso to section 208A, Act XXI of 1923.

"Provided that the prescribed person may exempt any pilgrim from any or all of the above requirements, if he is satisfied that it is inexpedient, in the special circumstances of the case, to enforce them."

**11.** For section 209 of the said Act the following sections shall be substituted, namely:—

Substitution of new sections for section 209, Act XXI of 1923.

"208B. (*1*) Every pilgrim travelling on a pilgrim ship shall be entitled, on payment of his passage-money and fulfilment of other prescribed conditions, if any, to receive a ticket in the prescribed form, and shall be bound to produce it to such officers and on such occasions as may be prescribed and otherwise to deal with it in the prescribed manner:

Issue or production of tickets.

Provided that no pilgrim, who has not been exempted under the proviso to section 208A, shall be given a ticket other than a return ticket unless he has made the deposit required by that section.

(*2*) Any ticket issued to a pilgrim for a voyage on a pilgrim ship shall entitle him to receive food and water, on the scale and of the quality prescribed, free of further charge, throughout the voyage.

208C. (*1*) Every pilgrim prevented from embarking under section 206 or removed from the ship under section 207, or otherwise prevented from proceeding shall be entitled to the refund of any passage-money which he may have paid, and of any deposit which he may have made under section 208A.

Refund of deposits and passage-money.

(*2*) Any pilgrim who, within eighteen months of his sailing from British India, satisfies His Majesty's Representative at Jeddah that he intends to remain in the Hedjaz or to return to India by a route other than the route by which he came from India, shall be entitled to a refund of any deposit made by him under section 208A, or, if he is in possession of a return ticket, to a refund of half the passage-money paid by him.

(*3*) Where any pilgrim dies in the Hedjaz or on the voyage thereto, any person nominated by him in this behalf in writing in the prescribed manner, or, if no person has been so nominated, his legal representative, shall be entitled to a refund of any deposit made by such pilgrim under section 208A, or, if such pilgrim was in possession of a return ticket, to a refund of half the passage-money paid by such pilgrim.

(*4*) Where any pilgrim fails to return to British India from the Hedjaz within eighteen months of his sailing from India, or returns to India by a route other than the route by which he came from India, he or any person nominated by him in this behalf in writing in the prescribed manner shall be entitled to a refund of any deposit made by such pilgrim under section 208A, or, if such pilgrim was in possession of a return ticket, to a refund of half the passage money paid by such pilgrim, except where such deposit or passage-money has already been refunded under this section.

(*5*) Refunds under sub-sections (*1*), (*2*), (*3*) and (*4*) of deposits shall be subject to such conditions and of passage-money to such deductions and conditions as may be prescribed.

209. (*1*) All deposits made under section 208A which have been unclaimed for the prescribed period shall become the property of Government.

Unclaimed deposits and passage-money to lapse to Government.

(*2*) If any pilgrim entitled to a refund of passage-money under sum-section (*1*) of section 208C does not claim such refund within the prescribed period, or if any pilgrim who has purchased a return ticket does not on the basis of such ticket obtain a return passage from the Hedjaz within the prescribed period and the value of the return half of such ticket has not been refunded under sub-section (*2*) or sub-section (*3*) or sub-section (*4*) of section 208C, such passage-money or value shall, subject to the exercise of the rights conferred by sub-

section (4) of section 208C, become the property of Government, and shall be paid to Government by the master, owner or agent to whom it was paid."

**12.** In section 209A of the said Act,—

Amendment of section 209A, Act XXI of 1923.

(a) in sub-section (1),—

(i) for the words "Port-clearance shall not be granted from any port in British India to any pilgrim ship unless or until the master, owner or agent and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint and several bond for the sum of ten thousand rupees, conditioned that, if any pilgrim who has been carried to the Hediaz by that ship" the words "Where any pilgrim who has been carried to the Hediaz by a pilgrim ship" shall be substituted,

(ii) for the words "British Consul", the words "His Majesty's Representative" shall be substituted,

(iii) for the words "master, owner or agent aforesaid," the words "master, owner or agent of the ship in which such pilgrim was carried to the Hedjaz" shall be substituted, and

(iv) after the proviso the following further proviso shall be inserted, namely:—

"Provided further that in the case of any pilgrim whose ticket has been deposited with His Majesty's Representative at Jeddah the said period of twenty-five days shall, during the period of six weeks following the Haj day, be reduced to fifteen days beginning on the day on which such pilgrim notifies to His Majesty's Representative at Jeddah his desire to embark for the return passage.";

and

(b) in sub-section (2), for the words "British Consul" the words "His Majesty's Representative" shall be substituted.

**13.** In sub-section (3) of section 209B of the said Act, for the words "Within such time", the words "Before such reasonable and sufficient interval" shall be substituted.

Amendment of section 209B, Act XXI of 1923.

**14.** To section 209C of the said Act, the following sub-section shall be added, namely:—

Amendment of section 209C, Act XXI of 1923.

"(6) Nothing in this section or in section 209B shall apply to any advertisement made before the interval prescribed under sub-section (3) of section 209B, and intended to give the public information of the approximate date of the sailing of a pilgrim ship, provided that such advertisement clearly states that the date so advertised is approximate only and that the correct proposed date will be advertised later."

**15.** (1) In sub-section (1) of section 213 of the said Act,—

Amendment of section 213, Act XXI of 1923.

(a) in clause (f),—

(i) for the words "food, fuel, and water", in the first place where they occur, the words "cooked and uncooked food and water" shall be substituted; and

(ii) for the words "food, fuel and water", where they occur in the second place, the words "food and water" shall be substituted;

(b) after clause (f), as so amended, the following clause shall be inserted, namely:—

"(ff) the kinds of food to be provided for pilgrims on payment, in addition to the food to be supplied in accordance with the rules made under clause (f), and the charges which may be made for the same;"

(c) in clause (j), after the words "on board" the words "free of charge to pilgrims" shall be inserted;

(d) after clause (m) the following clause shall be inserted, namely:—

"(mm) the period referred to in clause (a) of sub-section (1A) of section 206;";

(e) for clause (r) the following clause shall be substituted, namely:—

"(r) the refund deposits and passage-money under section 208C, and the manner in which persons shall be nominated under that section for the purpose of entitling them to a refund;";

and

(f) after clause (w) the following clause shall be inserted, namely:—

"(ww) providing that a pilgrim shall not be received on board any pilgrim ship, unless he is in possession of a passport or a pilgrim's pass, regulating the issue of pilgrims' passes, and prescribing the form of and fees which may be charged for such passes; and".

(2) In sub-section (2) of the said section, for the words "two hundred" the words "three hundred" shall be substituted.

L. GRAHAM,
Secy. to the Govt. of India.

The following Act of the Indian Legislature received the assent of the Governor-General on the 16th April, 1933, and is hereby promulgated for general information:—

ACT No. XII OF 1933.

*An Act further to amend the Indian Income-tax Act, 1922, for a certain purpose.*

of 1922. WHEREAS it is expedient further to amend the Indian Income-tax Act, 1922, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

**1.** (*1*) This Act may be called the Indian Income-tax (Amendment) Act, 1933.

(*2*) It shall come into force on the 1st day of April, 1933.

Amendment of section 4, Act XI of 1922.

of 1922. **2.** In sub-section (*2*) of section 4 of the Indian Income-tax Act, 1922,—

(*a*) for the words " Profits and gains of a business " the words " Income, profits and grains " shall be substituted, and before the word " profits ", where it occurs for the second time, the word " income," shall be inserted;

(*b*) the words " provided that they are so received or brought in within three years of the end of the year in which they accrued or arose " shall be omitted;

(*c*) the following provisos shall be added, namely:—

" Provided that nothing contained in this sub-section shall apply to any income, profits or gains so accruing or arising prior to the 1st day of April, 1933, unless they are income, profits or gains of a business and are received in or brought into British India within three years of the end of the year in which they accrued or arose:

Provided further that nothing in this sub-section shall apply to income from agriculture arising or accruing in a State in India from land for which any annual payment in money or in kind is made to the State "; and

(*d*) in the Explanation, before the word " profits " the word " income," shall be inserted.

L. GRAHAM,
Secy. to the Govt. of India.

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The following Act of the Indian Legislature received the assent of the Governor-General on the 16th April, 1933, and is hereby promulgated for general information:—

ACT No. XIII OF 1933.

*An Act to provide for the imposition of additional duties of customs on imported goods for the purpose of safeguarding industries in British India.*

WHEREAS it is expedient to provide for the imposition of additional duties of customs on imported goods for the purpose of safeguarding industries in British India; It is hereby enacted as follows:—

Short title, extent and duration.

**1.** (*1*) This Act may be called the Safeguarding of Industries Act, 1933.

(*2*) It extends to the whole of British India except Aden and Perim.

(*3*) It shall remain in force until the 31st day of March, 1935.

Power of Governor-General in Council to impose duties of customs.

**2.** (*1*) If the Governor-General in Council is satisfied, after such inquiry as he thinks necessary, that goods, the produce or manufacture of any country outside India, are being sold in or imported into British India, at such abnormally low prices that the existence of an industry established in British India is thereby endangered, he may, by notification in the *Gazette of India*, impose on any such goods a duty of customs of such amount as he considers necessary to safeguard the interests of the industry affected.

II of 18 (*2*) The duties imposed under sub-section (*1*) shall be deemed to be duties leviable under the Indian Tariff Act, 1894, and shall be in addition to any duties imposed under that Act or any other law for the time being in force, but shall not be included in the total duty upon which any additional duty imposed by section 4 of the Indian Finance Act, 1931, or section 4 of the Indian Finance (Supplementary and Extending) Act, 1931, is calculated, or operate so as in any way to affect the amount of any additional duty so imposed.

Notification imposing duty of customs to be approved by Indian Legislature.

**3** (*1*) Every notification issued under sub-section (*1*) of section 2 shall be laid before both Chambers of the Indian Legislature as soon as may be after it is made, and shall cease to have effect on the expiry of two months from the last date on which it has been so laid before either Chamber unless in the meantime it has been approved by a resolution of each Chamber.

(*2*) Notwithstanding anything contained in section 21 of the General Clauses Act, 1897, X of 1897 the provisions of sub-section (*1*) shall not apply to the exercise by the Governor-General in Council of his powers under the said section of the said Act to add to, amend, vary or rescind any notification issued under sub-section (*1*) of section 2 of this Act unless such exercise has the effect of imposing a duty of customs not already imposed or of increasing a duty of customs already imposed by the original notification.

Power of GovernorGeneral in Council to make rules.

**4.** (*1*) The Governor-General in Council may, by notification in the *Gazette of India*, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may prescribe the conditions subject to which any goods shall be deemed to be produce or manufacture of a particular country for the purposes of this Act.

L. GRAHAM,
Secy. to the Govt. of India.

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The following Act of the Indian Legislature received the assent of the Governor-General on the 16th April, 1933, and is hereby promulgated for general information:—

ACT NO. XIV OF 1933.

*An Act further to amend the Indian Tariff Act, 1894, for a certain purpose.*

WHEREAS it is expedient further to amend the Indian Tariff Act, 1894, for the purpose hereinafter appearing; It is hereby enacted as follows:— VIII of 1894.

1. This Act may be called the Indian Tariff (Amendment) Act, 1933.

Short title.

2. In Item No. 148A of the Second Schedule to the Indian Tariff Act, 1894, after the words "Indian sheet bar" in sub-item (*i*) and sub-item (*ii*) the words and figures "imported into the United Kingdom after the 23rd day of December, 1932" shall be added. VIII of 1894.

Amendment of Schedule II, Act VIII of 1894.

L. GRAHAM,
Secy. to the Govt. of India.

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## Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

The following Bill was introduced in the Legislative Assembly on the 8th April, 1933:—

L. A. BILL NO. 34 OF 1933.

*A Bill to provide for the imposition of additional duties of customs on imported goods for the purpose of safeguarding industries in British India.*

WHEREAS it is expedient to provide for the imposition of additional duties of customs on imported goods for the purpose of safeguarding industries in British India; It is hereby enacted as follows:—

**1** (*1*) This Act may be called the Safeguarding of Industries Act, 1933.

Short title, extent and duration.

(*2*) It extends to the whole of British India except Aden and Perim.

(*3*) It shall remain in force until the 31st day of March, 1935.

**2.** (*1*) If the Governor-General in Council is satisfied, after such inquiry as he thinks necessary, that goods, the produce or manufacture of any country outside India, are being sold in or imported into British India, at such abnormally low prices that the existence of an industry established in British India is thereby endangered, he may, by notification in the *Gazette of India*, impose on any such goods a duty of customs of such amount as he considers necessary to safeguard the interests of the industry affected.

Power of Governor-General in Council to impose duties of customs.

(*2*) The duties imposed under sub-section (*1*) shall be deemed to be duties leviable under the Indian Tariff Act, 1894, and shall be in addition to any duties imposed under that Act or any other law for the time being in force, but shall not be included in the total duty upon which any additional duty imposed by section 4 of the Indian Finance Act, 1931, or section 4 of the Indian Finance (Supplementary and Extending) Act, 1931, is calculated, or operate so as in any way to affect the amount of any additional duty so imposed. VIII of 1894.

**3.** (*1*) Every notification issued under sub-section (*1*) of section 2 shall be laid before both Chambers of the Indian Legislature as soon as may be after it is made, and shall cease to have effect on the expiry of two months from the last date on which it has been so laid before either Chamber unless in the meantime it has been approved by a resolution of each Chamber.

Notification imposing duty of customs to be approved by Indian Legislature.

(*2*) Notwithstanding anything contained in section 21 of the General Clauses Act, 1897, the provisions of sub-section (*1*) shall not apply to the exercise by the Governor-General in Council of his powers under the said section of the said Act to add to, amend, vary or rescind any notification issued under sub-section (*1*) of section 2 of this Act unless such exercise has the effect of imposing a duty of customs not already imposed or of increasing a duty of customs already imposed by the original notification. X of 1897.

**4.** (*1*) The Governor-General in Council may, by notification in the *Gazette of India*, make rules for the purpose of carrying into effect the provisions of this Act.

Power of Governor-General in Council to make rules.

(*2*) In particular and without prejudice to the generality of the foregoing power such rules may prescribe the conditions subject to which any goods shall be deemed to be the produce or manufacture of a particular country for the purposes of this Act.

The object of this Bill is to enable prompt action to be taken to meet any serious menace to Indian industries which may arise from special conditions in any country outside India

resulting in the importation of its produce or manufactures into this country at prices which endanger Indian industries. It is, however, essential that such action should be subject to the endorsement of the Indian Legislature and provision is therefore made for submitting it for such approval as soon as possible after it is taken.

NEW DELHI;

The 8th April, 1933.

J. W. BHORE.

S. C. GUPTA,
Secy. to the Govt. of India.

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The following Bill was introduced in the Legislative Assembly on the 8th April, 1933:—

L. A. BILL No. 35 OF 1933.

*A Bill further to amend the Indian Tariff Act, 1894, for a certain purpose.*

WHEREAS it is expedient further to amend the Indian Tariff Act, 1894, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.

**1.** This Act may be called the Indian Tariff (Amendment) Act, 1933.

Amendment of Schedule II, Act VIII 1894.

**2.** In Item No. 148A of the Second Schedule to the Indian Tariff Act, 1894, after the words "Indian sheet bar" in sub-item (*i*) and sub-item (*ii*) the words and figures "imported into the United Kingdom after the 23rd day of December, 1932" shall be added. VIII of 1894.

STATEMENT OF OBJECTS AND REASONS.

It has been found that the present wording of Item 148A of the Second Schedule of the Tariff Act extends the lowest preferential rate, *i.e.*, Rs. 30 per ton on sheet of British manufacture rolled from Indian sheet bar, to a considerable quantity of material to which it was not intended that preference should be given. The intention of this amending Bill is to make it clear that the lowest preferential rate is applicable only to sheets manufactured from Indian sheet bar imported into the United Kingdom after the ratification of the Ottawa Trade Agreement by the Indian Legislature, a result that was originally intended.

NEW DELHI;

The 7th April, 1933.

J. W. BHORE.

S. C. GUPTA,
Secy. to the Govt. of India.

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The following Report of the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes was presented to the Legislative Assembly on the 10th April, 1933:—

WE, the undersigned, Members of the Select Committee, to which the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto. References are to the clauses of the Bill as now re-numbered.

Papers I-V.

*Clause 1.*—We have made the necessary correction of the date in this clause, and have omitted the commencement clause in view of the delay in the passage of the Bill.

*Clause 2.*—We have slightly amended the wording in sub-clause (*b*) in order to convey the meaning more clearly.

*Clause 3.*—To meet the objection that as this clause stands the commission deducted by a banker will be exempt from tax even in the hands of the banker and as part of his income, we have slightly amended the proviso inserted by this clause and have made consequential amendments in section 16 of the Act by a new clause 6 in the Bill. The point was raised that interest paid on money borrowed for the purpose of investment in securities should also be taken into consideration when income-tax is assessed on the borrower and that an allowance should be made for it. We are, however, assured that in the administration of the Act allowance is already made in these circumstances and we have accordingly considered it unnecessary to make any further change.

*Clause 4.*—We have elaborated this clause to cover fully the cases for which we consider allowance should be made. These cases include payments of interest on money borrowed for purposes of acquiring property when those payments do not take the form of charges attached to the property itself.

*Clause 5.*—We have elaborated clause (*ii*) of the proposed new sub-section to be inserted in section 11 to make provision not only for depreciation but also for obsolescence of machinery, plant, etc., and we have inserted the words "or other capital assets" with a view to covering the case of books purchased by an assessee for purposes of his profession. Our redraft also provides for the application of the conditions specified in section 10 of the Act regarding the calculation of depreciation to cases falling under section 11 as now amended.

*Clause 6.*—This clause makes an amendment consequential upon the introduction of a new proviso in section 8 by clause 3.

*Clause 7.*—We consider that the provisions contained in sub-sections *(2)* and *(3)* of section 57 of the Act being analogous to those of the sub-sections (3A) and (3B) which this clause inserts in section 18, should be transferred from section 57 to section 18 of the Act. The result of this will be to simplify the operation of section 58 of the Act, the interpretation of which has, we understand, given rise to difficulty, and which in any case it is proposed to amend by clause 24 of the Bill. The insertion of these two additional sub-sections renders the greater part of sub-section *(1)* of section 18 unnecessary. We have accordingly omitted that sub-section retaining that portion of it which it is essential to retain by inserting the words " unless otherwise prescribed in the case of any security of the Government of India " in sub-section *(3)*. It has also been necessary to make it clear that the word income-tax in sub-sections *(2)* and *(3)* does not include super-tax. In the proviso added by the Bill to sub-section *(3)* we vide a certificate in every proper case. We have inserted words intended to impose upon the Income-tax Officer the obligation to pro- have confined the effect of sub-section *(3A)* to income of persons residing out of British India and we have altered the sub-section so that the rate at which income-tax is to be deducted shall not be the maximum rate but the rate appropriate to the total income of the assessee. A similar change has been made in new sub-section *(3B)*. We have revised the sub-clause amending sub-section (7) of section 18 of the Act so as to make it clear that the words of the sub-section invite the application of the provisions of section 46, but as we do not consider that the penalty which the Income-tax Officer is empowered to impose under section 46 should be imposed for defaults under this section which are not wilful, we have added a proviso to give effect to our views.

*Clause 8.*—We consider that the words " in respect of money held in deposit for a period of not less than six months " should be omitted from the proposed new section 20A. Their retention would have the result of encouraging evasion as deposits could be limited to a period of less than six months. We consider, however, that the obligation on persons responsible for paying interest to supply particulars of interest should be limited to cases in which the aggregate interest exceeds a minimum amount to be specifically mentioned in the Act. We have fixed this minimum at rupees 1,000 but we feel that the figure chosen is experimental, and that experience in working the Act may possibly show that it is too high. The word " financial " has been inserted before " year " in the interests of clarity.

*Clause 10.*—We have completely recast proposed section 24A so that it now deals only with persons leaving or about to leave British India, while section 24B deals only with cases in which an assessee dies. Section 24A provides for the assessment up to the moment of departure of the income of a person leaving British India during the currency of a financial year or within so short a period of its end as to prevent the normal assessment of his income and enables the Income-tax Officer to assess within the limits permissible by section 34 of the Act any income for which he is liable to pay but has not paid income-tax. We have recast section 24B with the object of making it clear that the liability of the executor, administrator or other legal representative is confined to the payment of tax to the extent to which the estate is capable of meeting the charge. It is not our intention that the payment of income-tax due by the deceased should rank in any way prior to other charges to which the estate may be liable.

*Clause 11.*—Our amendment here is designed to make the period of limitation date from the time when the refusal to register a firm is intimated to the person aggrieved, this being the principle which is given effect to in the amendment made by clause 13 of the Bill to section 32 of the Act.

*Clause 17.*—In sub-section *(1)* of the new section 48A we have substituted the word " upon " for the words " either with or without " because we consider that it is advisable that refunds should be made only when a claim is actually put forward. In sub-section *(2)* we have substituted a more accurate formula for the words " allow a refund ".

*Clause 18.*—The small change here made is designed to bring the wording into conformity with that employed in the new section 24B inserted by clause 10.

*Clause 20.*—The amendment supplies a provision necessary as a consequence of the insertion of a new section 50A by clause 19. The Bill omitted this by an oversight.

*Clause 22.*—We have omitted clause *(b)*. We think it unnecessary and undesirable to remove the obligation to keep matters of the nature referred to confidential.

*Clause 23.*—This new clause is necessary in consequence of our decisions respecting section 18 contained in our remarks on clause 7.

*Clause 24.*—Our decisions respecting section 18 have necessitated the revision of the amendments proposed in section 58 of the Act.

*Clause 27.*—The clause as drafted contained certain practical defects. There was the danger of an assessee being prejudiced by the passing of an order declining to interfere, or by delays extending so long as to make an application to the High Court time-barred. There was also the danger of encouraging frivolous applications. Sub-clause *(c)* as drafted required a High Court to call for a reference before the Commissioner had considered the application on its merits and decided whether a question of law was or was not involved. We have endeavoured to meet the various criticisms levelled at the proposals

of the Bill in the opinions received. We have also provided that section 5 of the Indian Limitation Act, 1908, shall apply to applications made to the High Court by an assessee under section 66 of the Act.

The 9th April 1933.

2. The Bill was published in the *Gazette of India*, dated the 1st October, 1932.

3. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

B. L. MITTER.
GEORGE SCHUSTER.
LALCHAND NAVALRAI.
SANT SINGH.
J. B. VACHHA.
COWASJI JEHANGIR (JUNIOR).
*SATISH CH. SEN.
A. SUHRAWARDY.
*F. E. JAMES.

*Subject to a Note.

## NOTES.

I sign the report subject to the following:—

Clause 10 of the Bill, sub-clause 24B deals with the estate of a deceased person whose estate is or will be liable to income-tax. Sub-clause 24B(1) deals with the case when the deceased when alive was assessed; clause 24B(2) deals with the case when the deceased was not during his life served with a notice under Section 22 and clause 24B(3) with the case when the deceased was during his life time served with a notice under Section 22 but did not file the return or the return was considered insufficient by the Income-tax Officer.

Under clause 24B(1) the executor, etc., has been made liable to the extent of the estate of the deceased which has come into his hands. Clause 24B(2), however, treats the executor etc. as an assessee with all the liabilities of an assessee or in other words the tax can be realised from him exactly as if he is personally an assessee. This however is not intended and it must be made clear that the liability of an executor under any circumstances is that provided in clause 24B(1).

As regards clause 24B(3) I would like the case when notice under Section 22 has been served on the deceased, but deceased did not before his death file a return, to be dealt with under clause 24B(2). If a man dies after service of notice but without filing a return I would presume that by reason of illness which resulted in his death the deceased was unable to file the return. I therefore propose that clauses 24B(2) and 24B(3) should be amended as suggested above.

SATISH CH. SEN.

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I consider that in clause 8 of the Bill, in the proposed new section 20A, the minimum amount of aggregate interest specified, should be Rs. 500-0-0.

The 9th April, 1933. F. E. JAMES.

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L. A. BILL NO. 43 OF 1932.

[AS AMENDED BY THE SELECT COMMITTEE.]

**[Words printed in italics indicate the amendments suggested by the Committee.]**

*A Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.*

WHEREAS it is expedient further to amend the Indian Income-tax Act, 1922, for the purposes hereinafter appearing; It is hereby enacted as follows:— XI of 1922.

1.* Short title. This Act may be called the Indian Income-tax (Second Amendment) Act, 1933.

* * * * *

2. Amendment of section 5, Act XI of 1922. In section 5 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act),— XI of 1922.

(a) for sub-section (3) the following sub-section shall be substituted, namely:—

"(3) The Governor-General in Council may appoint a Commissioner of Income-tax for any area specified in the order of appointment.";

(b) in sub-section (4),—

(i) for the words "in respect of such classes of persons and such classes of income" the words "in respect of such persons or classes of persons and of such incomes or classes of income" shall be substituted, and

(ii) after the words "in respect of such areas as the Commissioner of Income-tax may direct" the following words shall be inserted, namely:—

"and, where two or more Assistant Commissioners of Income-tax or Income-tax Officers have been appointed for the same area, in accordance with any orders which the Commissioner of Income-tax may make for the distribution and allocation of *the work to be performed*"; and

(c) in sub-section (6), for the word "province" the word "area" shall be substituted.

3. In the first proviso to section 8 of the said Act, after the word "Provided" the word "further," shall be inserted, and before the said proviso as so amended the following proviso shall be inserted, namely:—

Amendment of section 8, Act XI of 1922.

"Provided that no income-tax shall be payable *under this section by the assessee* in respect of any sum deducted from such interest by way of commission by a banker realizing such interest on behalf of the assessee:".

4. For clause (iv) of sub-section (1) of section 9 of the said Act the following clause shall be substituted, namely:—

Amendment of section 9, Act XI of 1922.

"(iv) where the property is subject to a mortgage, *or other capital charge*, the amount of any interest on such mortgage or * * charge; *where the property is subject to a ground rent, the amount of such ground rent; and where the property has been acquired with borrowed capital, the amount of any interest payable on such capital and not specifically charged upon the property itself;*".

5. For sub-section (2) of section 11 of the said Act the following sub-section shall be substituted, namely:—

Amendment of section 11, Act XI of 1922.

"(2) Such profits or gains shall be computed after making the following allowances, namely:—

(i) any expenditure (not being in the nature of capital expenditure) incurred solely for the purposes of such profession or vocation, and not being personal expenses of the assessee;

(ii) in respect of depreciation of buildings *and depreciation and obsolescence of machinery*, apparatus, appliances, *plant*, furniture *or other capital assets* being the property of the assessee and used solely for the purposes of such profession, *the allowances specified in clauses (vi) and (vii) of sub-section (2) of section 10 subject to all the conditions specified in those clauses.*"

6. *In sub-section (1) of section 16 of the said Act, for the words and figure "the provisos to section 8" the words and figure "the second and third provisos to section 8" shall be substituted.*

Amendment of section 16, Act XI of 1922.

7. In section 18 of the said Act,—

Amendment of section 18, Act XI of 1922.

(a) *sub-section (1) shall be omitted;*

(b) *in sub-section (2), after the word "income-tax" the words "but not super-tax" shall be inserted;*

(c) *in sub-section (3),—*

(i) *after the word "shall" the words "unless otherwise prescribed in the case of any security of the Government of India" shall be inserted,*

(ii) *after the word "income-tax" the words "but not super-tax" shall be inserted, and*

(iii) *the following proviso shall be added, namely:—*

"Provided that where the Income-tax Officer *gives a certificate* in writing (*which certificate he shall give in every proper case on the application of the assessee*) that to the best of his belief the total income of a recipient will be less than the minimum liable to income-tax or will be liable to a rate of income-tax less than the maximum rate, the person responsible for paying any income herein referred to to such recipient shall until such certificate is cancelled by the Income-tax Officer, pay the income without deduction or deduct the tax at such less rate, as the case may be.";

(d) after sub-section (3) as so amended the following sub-sections shall be inserted, namely:—

"(3A) Where the Income-tax Officer has reason to believe that the total income of any person *residing out of British India* to whom any interest not being 'Interest on securities' is payable, will in any year exceed the maximum amount which is not chargeable with super-tax under the law for the time being in force, he may, by order in writing, require the person responsible for paying such interest to such person to deduct at the time of payment income-tax * * and super-tax at the rates determined by the Income-tax Officer to be applicable to the *total* income of such person in that year.

(3B) Where the person responsible for paying any interest not being 'interest on Securities' to any person pays to that person in any year an amount of such interest exceeding in the aggregate the maximum amount which is not chargeable with super-tax under the law for the time being in force, the person responsible for paying such interest shall, if he has not reason to believe that the recipient is resident in British India, and no order under sub-section (3A) has been received in respect of such recipient, deduct at the time of payment income-tax * * * * on the total amount of such interest *at the rate appropriate to such total*, and super-tax on the amount by which such total exceeds the maximum

amount not chargeable with super-tax at the rate applicable to such excess.

(3C) *Where the Income-tax Officer has reason to believe that any person, who is a shareholder in a company, is resident out of British India, and that the total income of such person will in any year exceed the maximum amount which is not chargeable to super-tax under the law for the time being in force, he may, by order in writing, require the principal officer of the company to deduct at the time of payment of any dividend from the company to the shareholder in that year super-tax at such rate as the Income-tax Officer may determine as being the rate applicable in respect of the income of the shareholder in that year.*

(3D) *If in any year the amount of any dividend or the aggregate amount of any dividends paid to any shareholder by a company (together with the amount of any income-tax payable by the company in respect thereof) exceeds the maximum amount of the total income of a person which is not chargeable to super-tax under the law for the time being in force, and the principal officer of the company has not reason to believe that the shareholder is resident in British India, and no order under sub-section (3C) has been received in respect of such shareholder, by the principal officer from the Income-tax Officer, the principal officer shall at the time of payment deduct super-tax on the amount of such excess at the rate which would be applicable under the law for the time being in force if the amount of such dividend or dividends (together with the amount of such income-tax as aforesaid) constituted the whole total income of the shareholder.*";

(e) in sub-section (5), after the word "income-tax" the words "or super-tax" shall be inserted;

(f) in sub-section (7),—

(i) after the words "as required by" the words "or under" shall be inserted, *and for the word "personally" the words "an assessee" shall be substituted,* and

(ii) *the following proviso shall be added, namely:—*

"*Provided that the Income-tax Officer shall not make a direction under sub-section (1) of section 46 for the recovery of any penalty from such person unless satisfied that such person has wilfully failed to deduct and pay the tax*"; *and*

(g) in sub-section (9), after the word "income-tax", in both places where it occurs, the words "or super-tax" shall be inserted, and for the word, brackets and figure "sub-section (3)", the words, brackets and figures "sub-section (3), *(3A), *(3B), (3C) or (3D)" shall be substituted.

**8.** After section 20 of the said Act the following section shall be inserted, namely:—

Insertion of new section 20A in Act XI of 1922.

"20A. The person responsible for paying any interest not being 'Interest on Securities' shall, on or before the fifteenth day of June in each year, furnish to the prescribed officer a return in the prescribed form and verified in the prescribed manner of the names and addresses of all persons to whom during the previous *financial* year he has paid * * * * interest or aggregate interest exceeding such amount *not being less than one thousand rupees* as may be prescribed in this behalf, together with the amount paid to each such person."

Supply of information regarding interest.

**9.** In section 24 of the said Act,—

Amendment of section 24, Act XI of 1922.

(a) In sub-section (2), after the words "any member of such firm" the words "or any person who being a minor has been admitted to the benefits of partnership in such firm" shall be inserted; and

(b) to the same sub-section as so amended the following shall be added namely:—

"or to his share of the benefits of partnership, as the case may be".

**10.** After section 24 of the said Act, the following sections shall be inserted, namely:—

Insertion of new sections 24A and 24B in Act XI of 1922.

"*24A. (1) When it appears to the Income-tax Officer that any person may leave British India during the current financial year, or shortly after its expiry, and that he has no present intention of returning, the Income-tax Officer may proceed to assess him on his total income for the period from the expiry of the last previous year for which he has been assessed to the probable date of his departure from British India. For each completed previous year included in this period an assessment shall be made on the total income of such person at the rate at which it would have been charged had such income been fully assessed, and for the period from the expiry of the last of such previous*

*Assessment in case of departure from British India.*

*years to the probable date of departure, the Income-tax Officer shall estimate the total income of such person and assess it at the rate in force for the financial year in which such assessment is made:*

*Provided that nothing herein contained shall authorise an Income-tax Officer to assess any income which he could not assess under the provisions of section 34.*

*(2) For the purpose of making an assessment under sub-section (1), the Income-tax Officer may serve a notice upon such person requiring him to furnish, within such time not being less than seven days as may be specified in the notice, a return in the same form, and verified in the same manner as a return under sub-section (2), of section 22, setting forth (along with such other particulars as may be provided for in the notice) his total income for each of the completed previous years comprised in the period first referred to in sub-section (1), and his estimated total income for the period from the expiry of the last such completed previous year to the probable date of his departure; and the provisions of this Act shall, so far as may be, apply as if the notice were a notice issued under sub-section (2) of section 22.*

Tax of deceased person payable by representative.

24B. (*1*) Where *a person* dies, *his* executor, * administrator *or other legal representative* shall be liable *to pay out of the estate of the deceased person to the extent to which the estate is capable of meeting the charge* the tax assessed as payable by such *person*, or * any tax which would have been payable by him under this Act if he had not died, * * *.

*(2) Where a person dies before he is served with a notice under sub-section (2) of section 22 or section 34, as the case may be, the Income-tax Officer may serve on his executor, administrator or other legal representative a notice under sub-section (2) of section 22 or under section 34, as the case may be, and may proceed to assess the total income of the deceased person as if such executor, administrator or other legal representative were the assessee.*

(*3*) Where *a person* dies, without having furnished a return *which he has been required to furnish* under the provisions of *sub-section (2) of* section 22, or having furnished a return which the Income-tax Officer has reason to believe to be incorrect or incomplete, the Income-tax Officer may make an assessment of the total income arising or accruing to *such person* before his death and determine the tax payable by him on the basis of such assessment, and for this purpose may require from the executor * administrator *or other legal representative of the deceased person* any accounts, documents or other evidence which he might under the provisions of sections 22 and 23 have required from the *deceased person*."

Amendment of section 30, Act XI of 1922.

*11.* In section 30 of the said Act,—

(*a*) in sub-section (*1*), after the words "objecting to a refusal of an Income-tax Officer" * * the words "to register a firm under section 26A or" shall be inserted, *and*

(*b*) *in sub-section (2), after the words "objected to" the words "or of the intimation of the refusal to register a firm under section 26A," shall be inserted.*

Amendment of section 31, Act XI of 1922.

*12.* In sub-section (*3*) of section 31 of the said Act,—

(*a*) after the words "in the case of an order refusing" the words "to register a firm under section 26A or" shall be inserted, and

(*b*) in sub-clause (*c*), for the words "to make a fresh assessment" the words "to register the firm or to make a fresh assessment, as the case may be" shall be substituted.

Amendment of section 32, Act XI of 1922.

*13.* In sub-section (*1*) of section 32 of the said Act, for the words "the making of such order" the words "the date on which he was served with notice of such order" shall be substituted.

Amendment of section 38, Act XI of 1922.

*14.* To section 38 of the said Act the following clause shall be added, namely:—

"(*3*) require any person whom he has reason to believe to be engaged in business, to furnish him with a return containing particulars of the location and style of his principal place of business, and of his branch businesses, if any, the names and addresses of his partners in any business, and the extent of his own share and the shares of all such partners in the profits of such business or businesses."

Amendment of section 46, Act XI of 1922.

*15.* To sub-section (*2*) of section 46 of the said Act the following proviso shall be added, namely:—

"Provided that without prejudice to any other powers of the Collector in this behalf, he shall for the purpose of recovering the said amount have in respect of the attachment and sale of debts due to the assessee the powers which under the Code of Civil Procedure, 1908, a Civil Court has in V of 1908

respect of the attachment and sale of debts due to a judgment-debtor for the purpose of the recovery of an amount due under a decree."

**16.** In section 48 of the said Act,—

Amendment of section 48, Act XI of 1922.

(a) in sub-section (*1*),—

(*i*) after the word "declared" the following words shall be inserted, namely:—

"or that his total income in such year is below the minimum chargeable with income-tax", and

(*ii*) after the words "between those rates" the following words shall be added, namely:—

"or at the rate applicable to the profits and gains of the company at the time of the declaration of such dividend, as the case may be";

(b) in sub-section (*2*),—

(*i*) after the words "registered firm" the words "or any person who being a minor has been admitted to the benefits of partnership in such firm" shall be inserted,

(*ii*) after the words "of that year" the following words shall be inserted, namely:—

"or that his total income of the previous year was below the minimum chargeable with income-tax", and

(*iii*) after the words "between those rates" the following words shall be added, namely:—

"or at the rate at which income-tax has been levied, as the case may be"; and

(c) in sub-section (*3*),—

(*i*) after the the words "in that year" the following words shall be inserted, namely:—

"or that his total income of the previous year was below the minimum chargeable with income-tax" and

(*ii*) after the words "between those rates" the following words shall be added, namely:—

"or at the rate at which income-tax has been deducted, as the case may be".

**17.** After section 48 of the said Act the following section shall be inserted, namely:—

Insertion of new section 48A in Act XI of 1922.

"48A. (*1*) If in any case not provided for by section 48 or by the provisions relating to refunds elsewhere contained in this Act the Income-tax Officer is satisfied, *upon* claim made in this behalf, that tax has been paid by or on behalf of any person with which he was not properly chargeable or which was in excess of the amount with which he was properly chargeable, the Income-tax Officer shall allow a refund to such person of the amount so paid or so paid in excess.

General power to make refunds.

(*2*) The Assistant Commissioner in the exercise of his appellate powers, or the Commissioner in the exercise of his appellate powers or powers of revision if satisfied to the like effect shall in like manner *cause a refund to be made by the Income-tax Officer* of any amount found to have been wrongly paid or paid in excess.

(*3*) Nothing in this section shall operate to vadidate any objection or appeal which is otherwise invalid or to authorise the revision of any assessment or other matter which has become final, and conclusive, or the review by any officer of a decision of his own which is subject to appeal or revision, of where any relief is specifically provided elsewhere in this Act, to entitle any person to any relief, other or greater than that relief."

**18.** After section 49 of the said Act the following sections shall be inserted, namely:—

Insertion of new sections 49A and 49B in Act XI of 1922.

"49A. Where under any of the provisions of this Act, a refund is found to be due to any person, the Income-tax Officer, Assistant Commissioner or Commissioner, as the case may be, may, in lieu of payment of the refund, set off the amount to be refunded, or any part of that amount against the tax, if any, remaining payable by the person to whom the refund is due.

Power to set off amount of refunds against tax remaining payable.

49B. Where through death, incapacity, bankruptcy, liquidation or other cause, a person who would but for such cause have been entitled to a refund under any of the provisions of this Act, or to make a claim under section 48 or 48A or 49, is unable to receive such refund or to make such claim, his executor, administrator *or other legal representative, or the* trustee or receiver, as the case may be, shall be entitled to receive such refund or to make such claim for the benefit of such person or his estate."

Power of representative of deceased person or person disabled to make claim on his behalf.

**19.** After section 50 of the said Act the following section shall be inserted, namely:—

Insertion of new section 50A in Act XI of 1922.

"50A. (*1*) Any person objecting to a refusal of an Income-tax Officer to allow a claim to a refund under section 48

Appeal against refusal of refunds.

or 48A or 49 or to the amount of the refund made in any such case, may appeal to the Assistant Commissioner.

(2) The appeal shall be presented within thirty days of the date on which the refusal of the refund or the amount of the refund allowed was communicated to the appellant.

(3) The appeal shall be made in the prescribed form and shall be verified in the prescribed manner.

(4) The Assistant Commissioner may, after giving the appellant an opportunity of being heard, pass such orders as he thinks fit."

Amendment of section 51, Act XI of 1922.

**20.** In clause (c) of section 51 of the said Act, after the word and figures "section 19A" the word and figures "section 20A," shall be inserted, *and after the word and figures "section 33A" the words and figures "or sub-section (3) of section 50A" shall be inserted.*

Amendment of section 52, Act XI of 1922.

**21.** In section 52 of the said Act, after the words and figures "section 19A or" the words and figures "section 20A or" shall be inserted.

Amendment of section 54, Act XI of 1922.

**22.** In the first proviso to sub-section (2) of section 54 of the said Act, * after clause (c), the following claue shall be inserted, namely:—

"(cc) of any such particulars occasioned by the lawful exercise by a public servant of his powers under the Indian Stamp Act, 1899, to impound an insufficiently stamped document. or" * * * * 1899.

Amendment of section 57, Act XI of 1922.

***23.** In section 57 of the said Act, sub-sections (2) and (3) shall be omitted, and sub-section (4) shall be renumbered as sub-section (2)*

Amendment of section 58, Act XI of 1922.

**24.** In * * section 58 of the said Act,—

(a) *in sub-section (1),—*

(i) for the word "except" the words "relating to the charge, assessment, collection and recovery of income-tax except those contained in" shall be substituted, *

(ii) * the * * figure *"18", where they occur between the figures "17" and "19"*, * * shall be omitted, *

(iii) *for the word and figures "and 48" the words, figures and letters 48, 58F and sub-sections (2) and (3) of section 58G" shall be substituted, and*

(iv) *the proviso shall be omitted; and*

(b) *in sub-section (2), before the word and figures "section 57" the words, brackets, figures and letters "sub-sections (3A), (3B), (3C), and (3D) of section 18" shall be inserted.*

Amendment of section 58G, Act XI of 1922.

**25.** In section 58G of the said Act,—

(a) sub-sections (1) and (2) shall be re-numbered as sub-sections (2) and (3), and before sub-section (2) as so re-numbered the following sub-section shall be inserted, namely:—

"(1) Where the accumulated balance due to an employee participating in a recognised provident fund becomes payable, such accumulated balance shall be exempt from payment of super tax except to the extent of an amount equal to the aggregate of the amounts of super-tax on annual accretions that would have been payable under section 58E up to the first day of April, 1933, if the Indian Income-tax (Second Amendment) Act, 1933, had come into force on the 15th March, 1930."; of 1933.

(b) in sub-section (2) as now re-numbered, the words "and super-tax" shall be omitted; and

(c) in sub-section (3) as now re-numbered, for the word, brackets and figure "sub-section (1)", the word, brackets and figure "sub-section (2)" shall be substituted, * * *

Amendment of section 60, Act XI of 1922.

**26.** In sub-section (2) of section 60 of the said Act, after the words "in advance" the words "or by reason of his having received in any one financial year salary for more than twelve months" shall be inserted.

**27.** In section 66 of the said Act,—

Amendment of section 66, Act XI of 1922.

(a) in sub-section (2), after the word and figures "section 32" the words and figures "*or of an order under section 33 enhancing an assessment or otherwise prejudicial to him*" shall be inserted;

(b) *before the existing proviso to sub-section (2) the following proviso shall be inserted, namely:—*

*"Provided that a reference shall lie from an order under section 33 only on a question of law arising out of that order itsef, and not on a question of law arising out of a previous order under section 31 or section 32, revised by the order under section 33:";*

(c) in the *existing* proviso to *sub-section (2)*,—

(i) *after the word "Provided" the word "further" shall be inserted,*

(ii) after the word "question" the following words shall be inserted, namely:—

*"or if the Commissioner rejects the application on the ground that it is time-barred or otherwise incompetent*, or if, in exercise of his

powers under sub-section (*3*), the Commissioner refuses to state the case,", and

(*iii*) *after the word " may " the words " within thirty days from the date on which he receives notice of the order passed by the Commissioner" shall be inserted;*

(*d*) *after sub-section* (*3*) *the following sub-section shall be inserted, namely:—*

" (*3A*) *If, on any application being made under sub-section* (*2*), *the Commissioner rejects it on the ground that it is time-barred, the assessee may, within two months from the date on which he is served with notice of the order of the Commissioner, apply to the High Court, and the High Court, if it is not satisfied of the correctness of the Commissioner's decision, may require the Commissioner to treat the application as made within the time allowed under sub-section* (*2*). "; *and*

(*e*) *after sub-section* (*7*) *the following sub-section shall be inserted, namely:—*

" (*7A*) *Section 5 of the Indian Limitation Act, 1908, shall apply to an application to the High Court by an assessee under sub-section* (*3*) *or sub-section* (*3A*)." IX of 1908.

S. C. GUPTA,
Secy. to the Govt. of India.

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**(As introduced in the Legislative Assembly.)**

A

BILL

TO

*Provide for the protection of the names " Khaddar " and " Khadi " used as trade descriptions of cloth spun and woven by hand in India.*

WHEREAS the names " Khaddar " and " Khadi " have come to mean cloth which is spun and woven by hand in India;

AND WHEREAS it is desirable to protect the said names;

It is hereby enacted as follows:—

Short title.

**1.** This Act may be called the Indian " Khaddar " (Name Protection) Act, 193 .

Definition of " Khaddar " and " Khadi".

**2.** In this Act, " Khaddar " and " Khadi ", mean cloth which is spun and woven by hand in India.

Use of the names " Khaddar " and " Khadi " as trade descriptions on cloth.

**3.** The names " Khaddar " and " Khadi", whether in English or in any Indian vernacular language as exclusively signifying cloth spun and woven in India by hands, shall be deemed to be trade descriptions within the meaning of the Indian Merchandise Marks Act, 1889. IV of 1889.

STATEMENT OF OBJECTS AND REASONS.

Considerable progress has been made in recent years in reviving and popularising as a cottage industry spinning and weaving by hand as a supplementary occupation among the agriculturist population of this country, who stand in need of an additional source of income. Such progress as has been achieved is very largely supported by the patriotic impulse of the poorer and well-to-do classes who are purchasing Khaddar, or Khadi even at a sacrifice. The situation is sought to be taken advantage of by manufacturers of spurious Khaddar both in India and abroad, and purchasers have been frequently misled to the detriment of what might easily become a great national industry. The Bill, therefore, seeks to extend the protection afforded by the Merchandise Marks Act, 1889, to the names " Khaddar " and " Khadi " which have come to denote hand spun and handwoven cloth only. The exclusive use of these terms for this cloth cannot prejudicially affect *bona fide* producers or distributors of any other variety of cloth.

SIMLA;

The 5th June, 1931.

GAYA PRASAD SINGH.

Registered No. L.864.

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## PUNJAB AND ITS DEPENDENCIES.

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## PART IV.

**Bills introduced in the Council of State and Legislative Assembly, Report of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

GOVERNMENT OF INDIA.

**LEGISLATIVE DEPARTMENT.**

The following Bill was introduced in the Council of State on the 29th August 1933 :—

COUNCIL OF STATE BILL No. 3 OF 1933.

*A bill further to amend the Indian Arbitration Act, 1899, for a certain purpose.*

WHEREAS it is expedient further to amend the Indian Arbitration Act, 1899, for the purpose hereinafter appearing ; It is hereby enacted as follows :— IX of 1899.

Short title. 1. This Act may be called the Indian Arbitration (Amendment) Act, 1933.

Amendment of section 19, Act IX of 1899. 2. In section 19 of the Indian Arbitration Act, 1899, for the words " the Court ", where they first occur, the words " the judicial authority before which the proceedings are pending " shall be substituted, and for the said words where they occur for the second time, the words " such authority " shall be substituted. IX of 1899

### STATEMENT OF OBJECTS AND REASONS.

Under section 19 of the Indian Arbitration Act, 1899, where any matter which falls within an agreement to arbitrate is the subject of legal proceedings, any party may apply to " the Court " to stay proceedings ; and thereupon the Court may, after an inquiry, stay further proceedings, in order that the agreement to arbitrate may be enforced. The intention probably was that this power should be exercised by the Court before which the proceedings are pending, but the phrase " the Court " is defined in section 4 of the Act as meaning the High Court in Presidency towns and the District Court elsewhere Hence a conflict of judicial rulings has arisen which leaves it doubtful whether a Presidency Small Cause Court has the powers of " the Court " under section 19. The Bill is intended to make it clear that the Court referred to in section 19 is the Court before which the legal proceedings are pending.

J. BARTLEY.

SIMLA ;

The 3rd August, 1933.

L. GRAHAM,
Secretary to the Government of India.



PGG

GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of State on the 29th August 1933 :—

COUNCIL OF STATE BILL No. 4 OF 1933.

*A bill further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose.*

VI of 1923. WHEREAS it is expedient further to amend the Cantonments (House-Accommodation) Act, 1923, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Shot title. **1.** This Act may be called the Cantonments (House-Accommodation Amendment) Act, 1933.

VI of 1923. Amendment of section 15, Act VI of 1923. **2.** In sub-section (*1*) of section 15 of the Cantonments (House-Accommodation) Act, 1923 (hereinafter referred to as the said Act), the following proviso shall be added, namely :—

"Provided that where an appeal has been made to the Officer Commanding the District under section 30, the period of thirty days shall be reckoned from the date on which the owner received notice of the result of the appeal under sub-section (*2*) of section 32."

Amendment of section 16, Act VI of 1923. **3.** In sub-section (*2*) of section 16 of the said Act, the following proviso shall be added, namely :—

"Provided that where an appeal has been made to the Officer Commanding the District under section 30, the period of thirty days shall be reckoned from the date on which the owner received notice of the result of the appeal under sub-section (*2*) of section 32."

Amendment of section 30, Act VI of 1923. **4.** It section 30 of the saide Act, for the words "twenty-one days" the words "ten days" shall be substituted.

Amendment of section 32, Act VI of 1923. **5.** Section 32 of the said Act shall be numbered as sub-section (*1*) of section 32, and the following sub-section shall be added, namely :—

"(*2*) Notice of the result of the appeal shall be given to the appellant as soon as may by, and, where the appellant is a tenant of the house, to the owner of the house also."

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## STATEMENT OF OBJECTS AND REASONS.

Under sections 15 (*1*) and 16 (*2*) of the Cantonments (House-Accommodation) Act, 1923, the owner of a house has the right, within a period of thirty days from the service of a notice of appropriation, to make a reference to a Civil Court, if he considers the rent offered to him to be insufficient or the repairs demanded from him to be excessive. Under section 30 of the said Act, the owner or any tenant of a house in respect of which a notice of appropriation has been issued can appeal, within a period of twenty-one days' from the date of the service of the notice, to the Officer Commanding the District against the appropriation itself.

2. If such an appeal is made to the Officer Commanding the District, the necessity for a reference to a Civil Court on the subject of rent and repairs does not arise until the result of the appeal is known. The amendments now suggested, which are in accordance with the wishes of the All-India Cantonments Association, will slightly shorten the time allowed for the appeal to the Officer Commanding the District, but will relieve house-owners of some inconvenience and unnecessary expense in making references to the Civil Court in anticipation of the decision of the Officer Commanding the District on the appeal.

SIMLA :

The 7th July, 1933.

R. A. CASSELS.

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L. GRAHAM,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 28th August, 1933 :—

L. A. BILL No. 38 OF 1933.

*A Bill to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administrations.*

WHEREAS it is expedient to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to interfere with such Administration ; It is hereby enacted as follows :—

Short title, extent and commencemnet.

**1.** (*1*) This Act may be called the Indian States (Protection) Act, 1933.

(*2*) It extends to the whole of British India including British Baluchistan and the Sonthal Parganas.

(*3*) This section and sections 2, 3 and 4 shall come into force at once ; the remaining sections of this Act shall come into force in any district or area only when and for such time as the Local Government, by notification in the local official Gazette, directs.

XLV of 1860. Insertion of new section 15A in Act XLV of 1860.

**2.** After section 15 of the Indian Penal Code the following section shall be inserted, namely :—

"India."

" 15A. The word 'India' denotes British India, together with the territories of any Indian Prince or Chief under the suzerainty of the Queen exercised through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India. "

XLV of 1860. Amendment of section 121A Act XLV of 1860.

**3.** In section 121A of the Indian Penal Code, after the words " or any Local Government, " the words " or the Administration of any State in India " shall be inserted.

XXIII of 1931. XXIII of 1932. Application of Act XXIII of 1931.

**4.** The Indian Press (Emergency Powers) Act, 1931, as amended by the Criminal Law Amendment Act, 1932, shall be interpreted—

(*a*) as if in sub-section (*1*) of section 4 of the Act, after clause (*i*) the following word and clause were inserted, namely :—

" or

(*j*) to bring into hatred or contempt or to excite disaffection towards the Administration established in any State in India, " and

(*b*) as if in Explanation 2 and Explanation 3 to the said sub-section, after the word " Government " the words " or administration ," and after the letter and brackets " (*d*) " the words, letter and bracket " or clause (*j*) " were inserted ;

and any power which might, by reason of such insertions but not otherwise, be exercised by the Local Government under that Act if so altered, may also be exercised by the Governor-General in Council ; and for the purpose of enabling the Governor-General in Council to exercise such powers, the Act shall be interpreted as if references to the Local Government were references to the Governor-General in Council.

Power to prohibit assemblies.

**5.** (*1*) When a District Magistrate or Presidency Magistrate is of opinion that there is in his jurisdiction a movement for the promotion of assemblies of persons for the purpose of proceeding from British India into the territory of a State in India and that the entry of such persons into the said territory or their presence therein is likely or will tend to cause interference with the Administration of the said State or danger to human life or safety or a disturbance of the public tranquillity or a riot or an affray within the said territory, he may, by order in writing stating the material facts of the case, prohibit within the area specified in the order the assembly of five or more persons in furtherance of the said movement.

(*2*) When an order under sub-section (*1*) has been made, and for so long as it remains in force, any assembly of five or more persons held in contravention of the order shall be an unlawful assembly within the meaning of section 141 of the Indian Penal Code, and the provisions of Chapter VIII of the Indian Penal Code and of Chapter IX of the Code of Criminal Procedure, 1898, shall apply accordingly. XLV of 1860. V of 1898.

(*3*) An order under sub-section (*1*) shall be notified by proclamation, published in the specified area in such places and in such manner as the Magistrate may think fit, and a copy of such order shall be forwarded to the Local Government.

(*4*) No order under sub-section (*1*) shall remain in force for more than two months from the making thereof, unless the Local Government, by notification in the local official Gazette, otherwise directs.

Power to issue directions prohibiting certain acts.

**6.** (*1*) Where, in the opinion of a District Magistrate or Presidency Magistrate, there is sufficient ground for proceeding under this section, such Magistrate may, by written order stating the material facts of the case and served in the

manner provided by section 134 of the Code of Criminal Procedure, 1898, direct any person to abstain from a certain act if such Magistrate considers that such direction is likely to prevent or tends to prevent interference with the Administration of a State in India or danger to human life or safety or a disturbance of the public tranquillity or a riot or an affray within the said State. V of 1898.

(2) An order under sub-section (1) may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed *ex parte*.

(3) An order under sub-section (1) may be directed to a particular individual, or to the public generally.

(4) A District Magistrate or Presidency Magistrate may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made under sub-section (1) by himself or by his predecessor in office.

(5) Where such an application is received, the Magistrate shall afford to the applicant an early opportunity of appearing before him either in person or by pleader and showing cause against the order; and if the Magistrate rejects the application wholly or in part, he shall record in writing his reasons for so doing.

(6) No order under sub-section (1) shall remain in force for more than two months from the making thereof unless the Local Government, by notification in the local official Gazette, otherwise directs.

Penalty for disobeying order under section 6.

**7.** (1) Whoever disobeys or neglects to comply with any direction contained in an order made under sub-section (1) of section 6, or in such order as altered under sub-section (4) of that section, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) An offence under this section shall be an offence for which a police-officer may arrest without warrant.

## STATEMENT OF OBJECTS AND REASONS.

Experience in recent years has shown that the ordinary law is not adequate to afford States in India the protection they may reasonably expect against activities which may be carried on in British India with the object of subverting, or exciting disaffection towards, or interfering with the administration of such States. The forthcoming constitutional changes, moreover, make it desirable that the authorities in British India should have power to protect units of the Federation from agitation directed against them from British India. Such agitation may involve (*a*) attacks in the press, (*b*) the organization of activities directed against State authority, and (*c*) the organization of movements for the entry into a State of bodies of persons from British India. It is considered that the administration of the States which are under the suzerainty of the Crown should be given protection against such activities and the Bill has been prepared with that general object.

SIMLA:

The 22nd August, 1933.

H. G. HAIG.

MD. RAFI,

Offg. Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 28th August, 1933:—

### L. A. BILL No. 39 OF 1933.

***A Bill further to amend the Cotton Textile Industry (Protection) Act, 1930.***

WHEREAS it is expedient to continue for a further period the protection already given to and for that purpose further to extend the operation of the duties imposed by the Cotton Textile Industry (Protection) Act, 1930; it is hereby enacted as follows:— XVII of 1930.

Short title.

**1.** This Act may be called the Cotton Textile Industry Protection (Second Amendment) Act, 1933.

Amendment of sections 2 and 3, Act XVII of 1930.

**2.** In sub-section (2) of section 2, and in sub-section (2) of section 3 of the Cotton Textile Industry (Protection) Act, 1930, for the words and XVII of 1930.

## STATEMENT OF OBJECTS AND REASONS.

By the Cotton Textile Industry (Protection) Act, 1930, protective duties were imposed on cotton piece-goods for a period of three years in order to give the cotton mill industry in India temporary shelter against foreign competition. By the same Act the operation of the duty imposed by the Indian Tariff (Cotton Yarn Amendment) Act, 1927, was extended for a further period of three years on account of the unfair competition arising from the prevalence of inferior labour conditions in China. These duties were due to expire on the 31st March, 1933, but were extended up to the 31st October, 1933, by the Cotton Textile Industry Protection (Amendment) Act, 1933, pending formulation of the decision of the Government of India on the Tariff Board's Report regarding continued protection to the cotton mill industry.

2. As a result of the denunciation by India of the Anglo-Japanese Convention of 1904 in April last, the question of the conclusion of a new commercial agreement between India and Japan has arisen and representatives of the Government of Japan are shortly expected in India to initiate discussions with the Government of India in this matter. In view of these impending discussions, the Government of India are of opinion that they should not proceed to give legislative effect in the present sessions to their conclusions with regard to the Tariff Board's Report on the cotton textile industry since they may require radical alteration in the light of any agreement which may be eventually reached. The Bill accordingly proposes to continue the existing protection granted to the industry by the Cotton Textile Industry (Protection) Act, 1930, as subsequently amended, for a further period up to the 31st March, 1934.

SIMLA;

The 22nd August, 1933. J. W. BHORE.

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MD. RAFI,

Offg. Secretary to the Government of India.

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## PUNJAB AND ITS DEPENDENCIES.

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## PART IV.

**Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

GOVERNMENT OF INDIA.

**LEGISLATIVE ASSEMBLY DEPARTMENT.**

The following Bill was introduced in the Legislative Assembly on the 22nd August, 1933:—

L. A. BILL NO. 36 OF 1933.

THE INDIAN PETROLEUM BILL.

CONTENTS.

*A Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances.*

WHEREAS it is expedient to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances; It is hereby enacted as follows:—

PRELIMINARY.

Short title, extent and commencement.

**1.** (*1*) This Act may be called the Indian Petroleum Act, 1934.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall come into force on such date as the Governor-General in Council may, by notification in the *Gazette of India*, appoint.

Definitions.

**2.** In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "petroleum" means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid) containing any liquid hydrocarbon;

(*b*) "dangerous petroleum" means petroleum having its flashing-point below seventy-six degrees Fahrenheit;

(*c*) "flashing-point" of any petroleum means the lowest temperature at which it yields a vapour which will give a momentary flash when ignited, determined in accordance with the provisions of Chapter II and the rules made thereunder;

(*d*) "to transport" petroleum means to move petroleum from one place to another in British India, and includes moving from one place to another in British India by sea or across territory in India which is not part of British India;

(*e*) "to import" petroleum means to bring it into British India by land, sea or air, otherwise than during the course of transport;

(*f*) "to store" petroleum means to keep it in any one place, but does not include any detention happening during the ordinary course of transport;

(*g*) "motor conveyance" means any vehicle, vessel or air-craft for the conveyance of human beings, animals or goods, by land, sea or air, in which petroleum is used to generate the motive power;

(*h*) "prescribed" means prescribed by rules made under this Act.

CHAPTER I.

CONTROL OVER PETROLEUM.

Import, transport and storage of petroleum.

**3.** (*1*) No one shall import, transport or store any petroleum save in accordance with the rules made under section 4.

(*2*) No one shall import any dangerous petroleum, and no one shall transport or store any petroleum save in accordance with the conditions of any licence for the purpose which he may be required to obtain by rules made under section 4.

Rules for the import, transport and storage of petroleum.

**4.** The Governor-General in Council may make rules—

(*a*) prescribing places where petroleum may be imported and prohibiting its import elsewhere;

(*b*) regulating the import of petroleum;

(*c*) prescribing the period within which a licence for the import of dangerous petroleum shall be obtained, and providing for the disposal, by confiscation or otherwise, of any dangerous petroleum in respect of which a licence has not been obtained within the prescribed period and which has not been exported;

(*d*) regulating the transport of petroleum;

(*e*) specifying the nature and condition of all receptacles and pipe-lines in which petroleum may be transported;

(*f*) regulating the places at which and prescribing the conditions subject to which petroleum may be stored;

(*g*) specifying the nature, situation and condition of all receptacles in which petroleum may be stored;

(h) prescribing the form and conditions of licences for the import of dangerous petroleum, and for the transport or storage of any petroleum, the manner in which applications for such licences shall be made, the authorities which may grant such licences and the fees which may be charged for such licences;

(i) determining in any class of cases whether a licence for the transport of petroleum shall be obtained by the consignor, consignee or carrier;

(j) providing for the granting of combined licences for the import, transport and storage of petroleum, or for any two of such purposes;

(k) prescribing the proportion in which any specified poisonous substance may be added to petroleum, and prohibiting the import, transport or storage of petroleum in which the proportion of any specified poisonous substance exceeds the prescribed proportion; and

(l) generally, providing for any matter which in his opinion is expedient for proper control over the import, transport and storage of petroleum.

Production and refinement of petroleum.

**5.** (1) No one shall produce or refine petroleum save in accordance with the rules made under sub-section (2).

(2) The Governor-General in Council may make rules—

(a) for the determination of the limits of places in which petroleum may be produced or refined;

(b) prescribing the conditions subject to which petroleum may be produced or refined; and

(c) regulating the removal of petroleum from such places and preventing the storage therein and removal therefrom, except as dangerous petroleum, of any petroleum which has not satisfied the prescribed tests.

Receptacles of dangerous petroleum to show warning.

**6.** All receptacles containing dangerous petroleum shall have a stamped, embossed, painted or printed warning, either on the receptacle itself or, where that is impracticable, displayed near the receptacle, exhibiting in conspicuous characters the words "Petrol" or "Motor Spirit", or an equivalent warning of the dangerous nature of the petroleum:

Provided that this section shall not apply to—

(a) any securely stoppered glass, stoneware or metal receptacle of less than two gallons capacity containing dangerous petroleum which is not for sale, or

(b) a tank incorporated in a motor conveyance, or

(c) a pipe-line for the transport of petroleum, or

(d) any tank which is wholly underground.

No licence needed for small stocks of non-dangerous petroleum not in bulk.

**7.** Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the transport or storage of non-dangerous petroleum if the total quantity in his possession at any one place does not exceed five hundred gallons and none of it is contained in a receptacle exceeding two hundred gallons in capacity.

No licence needed for small quantities of dangerous petroleum.

**8.** (1) Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the import, transport or storage of dangerous petroleum not intended for sale if the total quantity in his possession does not exceed six gallons.

(2) Dangerous petroleum possessed without a licence under this section shall be kept in securely stoppered receptacles of glass, stoneware or metal.

Exemptions for motor conveyances.

**9.** (1) The owner of a motor conveyance, who complies with the requirements of the law for the time being in force relating to the registration and licensing for such conveyance and its driver or pilot, shall not be required to obtain a licence—

(a) for the import, transport or storage of any petroleum contained in any tank incorporated in the conveyance, or

(b) for the transport or storage of dangerous petroleum, not exceeding twenty gallons in quantity in addition to any quantity possessed under clause (a),

provided the petroleum is intended to be used to generate motive power for the motor conveyance.

(2) The dangerous petroleum possessed without a licence under clause (b) shall be kept in securely stoppered receptacles of glass, stoneware or metal, and, if it exceeds six gallons in quantity, shall be kept in an isolated place which does not communicate with any room where any person resides or works or in any room where persons assemble.

No icence needed by railway administration acting as carrier.

**10.** Notwithstanding anything contained in this Chapter, a railway administration, as defined in section 3 of the Indian Railways Act, 1890, need not obtain any licence for the import or transport of any petroleum in its possession in its capacity as carrier. IX of

Exemption of heavy oils.

**11.** Nothing in this Chapter shall apply to any petroleum which has its flashing-point not below two hundred degrees Fahrenheit.

Exemption of Government petroleum.

**12.** Nothing in this Chapter shall apply to petroleum which is the property or is in the possession of Government or of any duly authorised officer acting in the execution of this Act.

Inspection of premises.

**13.** (1) The Governor-General in Council may authorise any officer by name or by virtue of office to enter any premises where petroleum is being imported, stored, produced or refined, or is under transport, and inspect all receptacles, plant and appliances used in

connection with petroleum in order to ascertain if they are in accordance with the provisions of this Chapter and the rules made thereunder.

(2) The Governor-General in Council may make rules regulating the procedure of officers authorised under this section.

## CHAPTER II.

### THE TESTING OF PETROLEUM.

Inspection and sampling of petroleum.

**14.** (1) The Governor-General in Council may, by notification in the *Gazette of India*, authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, transported, stored, produced or refined, and to inspect and take samples for testing of any petroleum found therein.

(2) The Governor-General in Council may make rules—

(a) regulating the taking of samples of petroleum for testing,

(b) determining the cases in which payment shall be made for the value of samples taken, and the mode of payment, and

(c) generally, regulating the procedure of officers exercising powers under this section.

Standard test Apparatus.

**15.** (1) A standard apparatus for determining the flashing-point of petroleum shall be deposited with an officer to be appointed in this behalf by the Governor-General in Council, by notification in the *Gazette of India*.

(2) Such apparatus shall be engraved with the words "Standard Test Apparatus," and shall be verified and corrected from time to time and replaced, when necessary, in accordance with rules made under section 21.

(3) The Standard Test Apparatus shall, on payment of the prescribed fee, be open to inspection at all reasonable times by any person wishing to inspect it.

Certification of other test apparatus.

**16.** (1) The officer appointed under section 15 shall compare with the Standard Test Apparatus any apparatus for determining the flashing-point of petroleum which may be submitted to him for this purpose.

(2) If any apparatus is found by him to agree with the Standard Test Apparatus with sufficient accuracy, the officer shall engrave such apparatus with a special number and with the date of the comparison, and shall, on payment of the prescribed fee, give a certificate in respect of it in the prescribed form, certifying that on the said date the apparatus was compared with the Standard Test Apparatus and was found to agree with it with sufficient accuracy, and specifying any corrections to be made in the results of tests carried out with the apparatus.

(3) A certificate granted under this section shall, until the contrary is proved, be proof of any matter stated therein.

(4) The officer shall keep a register in the prescribed form of all certificates granted by him under this section.

Testing officers.

**17.** The Governor-General in Council may authorise any officer by name or by virtue of office to determine the flashing-point of petroleum of which samples have been taken under this Act, or which may have been submitted to him for test by any person, and to grant certificates of the results of such tests.

Manner of test.

**18.** All tests of petroleum made under this Act shall be made with a test apparatus in respect of which there is a valid certificate under section 16, shall have due regard to any correction specified in that certificate, and shall be carried out in accordance with rules made under section 21.

Certificate of testing.

**19.** (1) The testing officer after testing samples of petroleum shall make out a certificate in the prescribed form, stating the flashing-point of the petroleum, and stating, where required, if the petroleum is dangerous or non-dangerous.

(2) The testing officer shall furnish the person concerned, at his request, with a certified copy of the certificate, on payment of the prescribed fee, and such certified copy may be produced in any Court in proof of the contents of the original certificate.

(3) A certificate given under this section shall be admitted as evidence in any proceedings which may be taken under this Act in respect of the petroleum from which the samples were taken, and shall, until the contrary is proved, be proof of the flashing-point of that petroleum.

Right to require re-test.

**20.** (1) The owner of any petroleum, or his agent, who is dissatisfied with the result of the test of the petroleum may, within seven days from the date on which he received intimation of the result of the test, apply to the officer empowered under section 14 to have fresh samples of the petroleum taken and tested.

(2) On such application and on payment of the prescribed fee, fresh samples of the petroleum shall be taken in the presence of such owner or agent or person deputed by him, and shall be tested in the presence of such owner or agent or person deputed by him.

(3) If, on such re-test, it appears that the original test was erroneous, the testing-officer shall cancel the original certificate granted under section 19, shall make out a fresh certificate, and shall furnish the owner of the petroleum, or his agent, with a certified copy thereof, free of charge.

Power to make rules regarding tests.

**21.** The Governor-General in Council may make rules—

(a) for the specification, verification, correction and replacement of the Standard Test Apparatus;

(b) prescribing fees for the inspection of the Standard Test Apparatus;

(c) regulating the procedure in comparing a test apparatus with the Standard Test Apparatus;

(d) prescribing the form of certificate to be given in respect of a test apparatus so compared, and the duration of such certificates;

(e) prescribing the form of the register of such certificates;

(f) prescribing fees for comparing a test apparatus with the Standard Test Apparatus;

(g) regulating the procedure of testing officers in carrying out tests of petroleum, providing for the averaging of results where several samples of the same petroleum are tested, and prescribing the variations from standard temperatures which may be allowed;

(h) prescribing the form of certificates of tests of petroleum and the fees which may be charged therefor;

(i) providing, where the results of the testing of samples raise a doubt as to the uniformity of the quality of the petroleum in any lot unde test, for the division of the lot into sub-lots, and for the selection and testing of samples of each sub-lot and for the averaging of results in accordance with the results of tests of those samples;

(j) prescribing fees for re-tests under section 20 and providing for their refund where the original test was erroneous; and

(k) generally, regulating the procedure of all officers performing duties connected with the testing of petroleum, and providing for any matter incidental to such testing.

Special rules for testing viscous or solid forms of petroleum.

**22.** The Governor-General in Council may also make rules providing specially for the testing of any form of petroluem which is viscous or solid or contains sediment or thickening ingredients, and such rules may modify or supplement any of the provisions of this Chapter or of the rules made under section 21 in order to adapt them to the special needs of such tests.

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## CHAPTER III.

### PENALTIES AND PROCEDURE.

General penalty for offences under this Act.

**23.** Whoever—

(a) in contravention of any of the provisions of Chapter I (excluding section 6) or of any of the rules made thereunder, imports, transports, stores, produces or refines any petroleum, or

(b) contravenes any rule made under section 4 or section 5, or

(c) breaks the condition of any licence held by him, issued under section 4, or

(d) being for the time being in charge of any premises where petroleum is being imported, stored, produced or refined or is under transport, refuses or neglects to show to any officer authorised under section 13 any receptacle, plant or appliance used on such premises in connection with petroleum, or in any way obstructs or fails to render reasonable assistance to such officer during an inspection, or

(e) refuses or neglects to show to any officer authorised under section 14 any petroleum in his possession, or to give him such assistance as he may require for the inspection of such petroleum, or refuses to allow him to take samples of the petroleum, or

(f) being required, under section 28, to give information of an accident, fails to give such information as so required by that section,

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Penalty for contravention of section 6.

**24.** Whoever has in his possession any dangerous petroleum in receptacles which, in contravention of section 6, do not show any warning label shall be punishable with fine which may extend to five hundred rupees.

Confiscation of petroleum and receptacles.

**25.** (1) In any case in which an offence under clause (a) or clause (b) or clause (c) of section 23 or under section 24 has been committed, the convicting Magistrate may direct that—

(a) the petroleum in respect of which the offence has been committed, or

(b) where the offender is convicted of importing, transporting or storing petroleum exceeding the quantity he is permitted to import, transport or store, as the case may be, the whole of the petroleum in respect of which the offence was committed,

shall, together with the receptacles in which it is contained, be confiscated.

(2) This power may also be exercised by the High Court in the exercise of its appellate or revisional powers.

Jurisdiction.

**26.** Offences punishable under this Act shall be triable, in the Presidency-towns, by a Presidency Magistrate, and elsewhere by a Magistrate of the first class, or by a Magistrate of the second class who has been specially empowered by the Local Government in this behalf.

Power of entry and search.

**27.** (1) The Governor-General in Council may, by notification in the *Gazette of India*, authorise any officer by name or by virtue of office to enter and search any place where he has reason to believe that any petroleum is being imported, transported, stored, produced or refined otherwise than in accordance with the provisions of this Act and the rules made thereunder, and to seize, detain, remove or, if

necessary, to destroy, any or all of the petroleum in respect of which in his opinion an offence under this Act has been committed.

V of 1898. (2) The provisions of the Code of Criminal Procedure, 1898, relating to searches shall, so far as they are applicable, apply to searches by officers authorised under this section.

(3) The Governor-General in Council may make rules regulating the procedure of authorised officers in the exercise of their powers under this section subject, however, to the provisions of sub-section (2).

Reports of accidents with petroleum.

**28.** (1) Where any accident by explosion or fire, which is attended with loss of human life or serious injury to person or property, occurs as the result of the ignition of petroleum or petroleum vapour, or occurs in or near any place where petroleum is kept and under circumstances making it likely that it was the result of such ignition, the person for the time being in charge of the petroleum shall forthwith give information to the nearest Magistrate or to the officer in charge of the nearest police station.

Inquiries into serious accidents with petroleum.

**29.** (1) The inquiry mentioned in section 176 of the Code of Criminal Procedure, 1898, shall be held in all cases where any person has been killed by an accident which the Magistrate has reason to believe was the result of the ignition of petroleum or petroleum vapour. V of 1898.

(2) Any Magistrate empowered to hold an inquest may also hold an inquiry under the said section into the cause of any accident which he has reason to believe was the result of the ignition of petroleum or petroleum vapour, if such accident was attended by serious injury to person or property, notwithstanding that no person was killed thereby.

(3) For the purposes of this section a Commissioner of Police in a Presidency-town shall be deemed to be a Magistrate empowered to hold an inquest.

(4) The result of all inquiries held in pursuance of this section shall be submitted as soon as may be to the Local Government.

## CHAPTER IV.

### SUPPLEMENTAL.

Provisions relating to rules.

**30.** (1) In making any rules under this Act, the Governor-General in Council may—

(a) provide for any matter ancillary to such rules for which in his opinion provision is necessary to protect the public from danger arising from the import, transport, storage, production or refinement of petroleum, and

(b) make special provision for the special circumstances of any province or place.

(2) Every power to make rules conferred by this Act is subject to the condition of previous publication.

(3) All rules made under this Act shall be published in the *Gazette of India.*

Power to apply Act to other substances.

**31.** (1) The Governor-General in Council may, by notification in the *Gazette of India,* apply any or all of the provisions of this Act, with such modifications as he may specify, to any dangerously inflammable substance, other than an explosive, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of petroleum.

(2) The Governor-General in Council may make rules providing specially for the testing of any substance to which any of the provisions of this Act have been applied by notification under sub-scetion (1), and such rules may supplement any of the provisions of Chapter II in order to adapt them to the special needs of such tests.

Power to limit powers of local authorities over petroleum.

**32.** Where any enactment confers powers upon any local authority in respect of the transport or storage of petroleum, the Governor-General in Council may, by notification in the *Gazette of India,*—

(a) limit the operation of such enactment, or

(b) restrict the exercise of such powers, in any manner he deems fit.

Repeals.

**33.** The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

## THE SCHEDULE.

### ENACTMENTS REPEALED.

(*See* section 33.)

| Year. | Number. | Short title. | Extent of repeal. |
|---|---|---|---|
| 1899 | VIII | The Indian Petroleum Act, 1899. | The whole. |
| 1914 | IV | The Decentralization Act, 1914. | So much of the Schedule as relates to the Indian Petroleum Act, 1899. |

## STATEMENTS OF OBJECTS AND REASONS.

The Indian Petroleum Act, 1899, was passed at a time when the use of petroleum, particularly of dangerous petroleum or petrol, was limited, and with the great developments in the use of petroleum that have taken place in the last 30 years it has become unsuitable in several ways. As early as 1903 the attention of the Government of India was drawn to the inconvenience arising from the existence in different provinces of separate sets of rules to regulate the importation, possession and transport of petroleum. The present Act does not permit the issue by the Government of India of a set of rules applicable throughout British India, and the only way in which it has been possible to secure uniformity has been by the issue by Local Governments from time to time of similar rules with the sanction

of the Central Government. Local Governments and the interests concerned were consulted on the subject of revising the Act in 1925-26, and it was agreed by all Local Governments that the rule-making power should be transferred to the Central Government. In addition a number of other changes have been proposed in the light of experience. The departures of substance which it is proposed to make from the existing law are explained in the subjoined Notes on Clauses.

2. The opportunity has been taken to re-arrange the whole law. In addition to the "Preliminary" portion and the final "Supplemental" chapter, the Bill contains three separate chapters. Chapter I relates to the control of petroleum and Chapter II to its testing, while Chapter III contains the necessary penal provisions and what may be described as criminal procedure.

SIMLA;

The 16th August, 1933.

F. NOYCE.

NOTES ON CLAUSES.

*Clause 1*.—Only certain portions of the existing Act apply to the whole of British India, while power is given to Local Governments to apply the remainder of the Act to areas within their jurisdiction. Owing to the greatly extended use of petroleum, it is now advisable that the entire Act should apply to the whole of British India.

*Clause 2 (a)*.—The definition of petroleum in the present Act is of the categorical kind; a more technical definition based on the chemical composition of petroleum is proposed.

*Clause 2 (b)*.—The proviso to the definition of "dangerous petroleum" in the existing Act has been omitted as obsolete. Provision for allowing minor variations has been made in the rule-making power in clauses 21 (*g*) and (*i*).

*Clause 2 (d)*.—The revised definition of the word "transport" is designed to ensure that petroleum which has started from British India and comes back to British India by sea or across other territory in India shall not be treated as imported.

*Clauses 3 and 4* provide for control over the import, transport and storage of petroleum. It is intended that this should be effected mainly by rules; and in addition licences may be required in all cases except in the case of the import of non-dangerous petroleum. Most of the matter contained in clause 4 is already in the existing Act in various forms and places, but the following is new:—

Clause (i) gives power to determine in any class of cases whether the consignor, consignee or carrier shall take out the licence for the transport of petroleum.

Clause (k) will enable Government to prevent injury to persons handling or using petroleum arising from the presence of an excessive amount of any poisonous substance such as tetra-ethyl-lead.

*Clause 5* gives powers to control by rules the production and refining of petroleum. No system of licences is contemplated. The powers contained in clauses (*i*), (*j*) and (*k*) of section 9 (2) of the present Act cover most of the ground of this clause.

*Clause 6* corresponds to existing section 7, but proposes to substitute the words "Petrol" or "Motor Spirit" in place of "highly inflammable." The requirement in existing section 7 that labels should be attached showing the name and address of the consignee, owner, etc., has been dispensed with.

*Clauses 7 to 12* collect together the exemptions and powers to exempt which are scattered throughout the present Act, but embody some variations in substance.

*Clause 7* imposes the restriction that non-dangerous petroleum possessed without licence shall not be "in bulk," that is, that none of it shall be contained in any receptacle of more than 200 gallons capacity. Thus the size of the receptacle and not the amount of the petroleum in it will determine whether the petroleum is "in bulk" or not. The reason for this change is that a large receptacle containing only a few gallons of petroleum is more dangerous than the same receptacle when full of petroleum, as the space not occupied by the petroleum is likely to be occupied by an explosive mixture of petroleum vapour and air.

*Clause 8* provides for the case of persons who use petrol for cleaning, in petrol lamps, in automatic lighters, etc. It increases for this purpose the limit of dangerous petroleum which may be kept without a licence from three gallons to six and reduces to the same limit the amount which may be imported without a licence.

*Clause 9* contains exemptions specially intended for owners of motor conveyances. Clause (*a*) exempts petroleum kept in a tank in a motor conveyance from the requirement of a licence. Clause (*b*) gives the further concession of allowing the owner of a motor conveyance to keep a stock of spare petroleum not exceeding twenty gallons.

*Clause 10*.—Railway administrations have elaborate rules for the carriage of petroleum by rail; and this clause proposes to exempt them from the need of taking out any licence in respect of petroleum in their possession as carriers.

*Clause 11* is a broader form of the proviso to clause (*a*) of section 2 of the present Act—definition of petroleum. Petroleum with a flashing point of 200 degrees Fahrenheit or above, whether intended for lubrication or not, can hardly be described as inflammable, and there is no need to apply to it the system of rules and licencing contemplated by the Bill.

*Clause 12* is new and is based on section 14 of the Indian Explosives Act, 1884.

*Clauses 13, 14 and 27*.—Section 12 of the existing Act gives power to authorised officers to require dealers in petroleum to show the places and vessels in which petroleum is stored

or contained, to help in the inspection of petroleum, and to deliver samples on payment. It is proposed to substitute three separate sections for this. Clause 23 relates chiefly to administrative inspections by qualified technical inspectors. Clause 14 gives a purely routine power to take samples. Clause 27 is intended to bring to light evasions of the Act, particularly the concealment of unlicensed stocks, and contains a power of search. The powers under these three clauses are kept separate as they may be exercised by different officers.

*Clauses 15, 16 and 17.*—All tests of petroleum under the Act will be carried out by specially appointed testing officers using certified instruments. Any private enterprise may submit a test apparatus of its own for certification.

*Clause 18.*—The present Act has a Schedule containing elaborate provisions describing the nature of the Test Apparatus, the method of drawing samples and the manner in which the test is carried out. The Bill proposes to relegate all these matters of detail to rules which will be more easily adapted to developing conditions.

*Clause 19.*—Section 14 of the Act contemplates that the testing of petroleum should be confined to determining whether it is dangerous petroleum or not. But section 11 specifies the flashing point of 200° F., and the rules made under the Act may fix other flashing points as determining the nature of the administrative action which should be taken. This clause therefore requires that the certificate of testing should give the flashing point in every case.

*Clause 20.*—Section 13 of the present Act is so drawn as to give a testing officer discretion to issue a notice to the person concerned of the time and place of the testing of samples. In this clause it is proposed to give the owner a right to a re-test in the presence of his representative or himself. Provision is also made in this clause and in clause 21 (*j*) for the issue of a fresh certificate free of all charge if the second test shows that the first was erroneous.

*Clause 22* is designed to enable certain special rules to be made in respect of matters included in the statutory Schedule to the present Act.

*Clause 23* provides a standard maximum punishment of one month's imprisonment and a fine of five hundred rupees for contraventions of the Act and rules generally. *Clause 24* provides for fine only for contraventions of clause 6. These clauses reproduce sections 15 and 16 of the existing Act, with drafting changes.

*Clause 25* reproduces section 17 of the Act, with drafting changes, and the addition of a new sub-section.

*Clause 26* reproduces the substance of section 18.

*Clauses 28 and 29* which are new, are based on sections 8 and 9 of the Indian Explosives Act, 1884, but are so drafted as to make them an extension of section 176 of the Code of Criminal Procedure, 1898.

*Clause 31* corresponds to section 22 of the Act which enables control to be exercised over inflammable substances like methyl alcohol and carbide of calcium.

*Clause 32* is a redraft of section 23 of the existing Act.

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MD. RAFI,
Offg. Secy. to the Govt. of India.

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GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 22nd August 1933:—

L. A. BILL No. 37 OF 1933.

*A Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.*

XI of 1922. WHEREAS it is expedient further to amend the Indian Income-tax Act, 1922, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

**1.** (*1*) This Act may be called the Indian Income-tax (Third Amendment) Act, 1933.

(*2*) It shall come into force on the 1st day of April, 1934.

Amendment of section 23, Act XI of 1922.

**2.** In section 23 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act), the following sub-section shall be added, namely:— XI of 1922.

"(*5*) Notwithstanding anything contained in section 3, where any portion of an assessee's income is chargeable under the head "Salaries" or under the head "Interest on securities," income-tax but not super-tax on such portion shall, at the time of making an assessment under this section, be charged in accordance with the rates which were in force for the financial year in which such portion was received by the assessee."

Insertion of new section 39-A, in Act XI of 1922.

**3.** In Chapter IV of the said Act, after section 39, the following section shall be inserted, namely:—

Summary assessment of small incomes.

"39-A. (*1*) If, at any time when total income comes of less than two thousand rupees are

chargeable with income-tax, the Income-tax Officer is of opinion that the total income of an assessee is less than that amount, he may, save where he has served a notice under sub-section (2) of section 22, make a summary assessment of the income of such assessee to the best of his judgment, and shall serve on the assessee a notice of demand in the prescribed form; and such notice shall be deemed to be a notice of demand under section 29.

(2) Any assessee in respect of whom such summary assessment has been made may, within thirty days of receipt of the notice of demand, make an application to the Income-tax Officer for the cancellation or revision of the assessment, and the Income-tax Officer shall, after examining any accounts and documents and hearing any evidence which the assessee may produce, and such other evidence as the Income-tax Officer may require, determine, by order in writing, the amount of the tax, if any, payable by the assessee, and such determination shall not be subject to appeal under section 30:

Provided that, if any assessee making such application files therewith a return of his income under sub-section (2) of section 22, the application shall be deemed to be a return under that sub-section and shall be dealt with accordingly.

(3) A copy of an order under sub-section (2) shall be served on the assessee to whom it relates and shall be deemed to be a notice of demand under section 29.

(4) In exercising his powers under section 34 of assessing incomes, profits and gains which have escaped assessment in any year or have been assessed at too low a rate, the Income-tax Officer may, in respect of total incomes which in his opinion are less than two thousand rupees, follow the procedure laid down in this section."

Amendment of section 48, Act XI of 1922.

**4.** In section 48 of the said Act,—

(a) in sub-section (1) the following Explanation shall be added, namely:—

"*Explanation*.—For the purposes of this sub-section, and notwithstanding anything contained in section 3, the rate of income-tax applicable to a shareholder's total income of the year in which a dividend was declared shall be the rate so applicable, if any, which was in force for the financial year in which the dividend was declared"; and

(b) in sub-section (3) the following Explanation shall be added, namely:—

"*Explanation*.—For the purposes of this section, and notwithstanding anything contained in section 3, the rate of income-tax applicable to a person's total income of the previous year in which any deduction above-mentioned has been made shall be the rate so applicable, if any, which was in force for the financial year in which the deduction was made."

## STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to introduce into the permanent income-tax law two sets of provisions relating to the details of assessment which have in the recent past been the subject from time to time of *ad hoc* action, which has taken the form either of entries in the Finance Act of the year or of notifications under section 60 of the Indian Income-tax Act, 1922. The desirability of incorporating provisions of this nature in the Income-tax Act itself rather than in the various Finance Acts was strongly represented in the course of debate in the Legislative Assembly during the last budget session. The two sets of provisions concerned relate to—

(i) the reassessment in the following year of tax deducted at source and the like;

(ii) a summary procedure for the assessment of small incomes.

2. Income-tax is levied by deduction at source at the time of payment on incomes chargeable under the heads "Salaries" and "Interest on securities." Such incomes are also liable to assessment in the ordinary way in the following financial year when the amount deducted at source is duly adjusted (*vide* section 18 of the Act). As a result of this, when the rates are altered, the income of the preceding year under either of these heads as well as the income for that year both become liable to the revised rates. To avoid the hardship involved in this when rates are raised, notifications have in the past been issued under section 60 of the Act applying the rates in force at the time of payment of such incomes to assessments thereof in the following year; while once the practice of giving this relief when rates were enhanced had been established, it became logically necessary to apply the same principle to occasions when rates were reduced, thereby avoiding reassessment and the grant of refunds to all the taxpayers concerned. This last necessity was accepted by the Legislature when it incorporated the proviso in item A (1) in Schedule II of the Indian Finance Act, 1933. It is now proposed to lay down definitely in the Income-tax Act itself that the rates applicable to the assessment of incomes of this kind shall be the rates in force at the time of payment. Clause 2 of the Bill has been drafted accordingly.

3. Closely connected with the case of tax actually deducted at souce is that of dividends. Sub-sections (*1*) and (*3*) of section 48 assume that the rates of tax at the time of the declaration of a dividend or payment of any income under the head "Salaries" or "Interest on securities" will be unchanged at the time a refund is claimed. This leads to very anomalous results when rates are changed, and to avoid them, notifications under section 60 of the Act have been issued from year to year in the past. Clause 4 of the Bill proposes to correct this defect in the Act permanently.

4. In the Income-tax Act of 1918, a separate Chapter was introduced relating to a summary procedure for the assessment of incomes less than two thousand rupees. As these incomes were exempt from tax when the Indian Income-tax Act, 1922, was enacted, these provisions were omitted. When, however, in 1931-32, the limit of exemption was once again lowered to Rs. 1,000, these provisions were revived, and have been hitherto incorporated from year to year in the Finance Act. It is now proposed that they should be incorporated in the Income-tax Act itself, and clause 3 of the Bill has been introduced accordingly.

SIMLA:

*The 5th August, 1933.*

A. H. LLOYD.

MD. RAFI,

*Offg. Secy. to the Govt. of India.*

874 CS—623—15-9-33—SGPP Lahore.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, SEPTEMBER 22, 1933.


## PART IV.

**Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

GOVERNMENT OF INDIA.

**LEGISLATIVE ASSEMBLY DEPARTMENT.**

The following Report of the Select Committee on the Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register was presented to the Legislative Assembly on the 1st September, 1933:—

WE, the undersigned, Members of the Select Committee to which the Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as Amended by us annexed thereto.

2. Most of the opposition to this Bill has arisen from the proposal that the British Indian Medical Register should be confined to graduates in medicine, to the exclusion of the large and important class of the licentiates. We considered whether the Register should be enlarged so as to include the licentiates and whether it should be divided into two parts, one for graduates and one for licentiates; but we are of opinion that this, apart from other objections, would entail a troublesome and expensive duplication of the Provincial Medical Registers and unnecessary and invidious double appeals in disciplinary matters, and that the benefits to be gained would be neglibible. We have, therefore, decided to recommend a different course and we propose that the All-India Register should be dropped entirely. We have accordingly deleted from the Bill all matters relating to the British Indian Medical Register. The scope of the Bill is now confined to the establishment of an Indian Medical Council, whose functions shall be, broadly speaking, two only; namely,—

(a) the securing of a uniform minimum standard of higher qualifications in medicine for all the provinces, and

(b) the arrangement of schemes of reciprocity with medical authorities of other countries.

We have also made important changes in the provisions relating to the composition of



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the Medical Council, and in the provisions relating to schemes of reciprocity. These are discussed below in connection with the relevant clauses.

3. *Long title and preamble.*—These are amended consequentially on our decision to omit all matters relating to the British Indian Medical Register.

*Clause 2.*—In place of the definition of "the Register" in clause (*g*), we have substituted a formal definition of "recognised medical qualification" which has become expedient as a substitute for references to enrolment on the Register.

*Clauses 3 and 5.*—In clause 3, which defines the composition of the Council, we have made three important changes of substance, with consequential changes in clause 5:

(1) As regards the President, we propose that he should be a nominee of the Governor-General in Council for the first four years of the life of the Council only, and that thereafter the President should be elected by the members of the Council from amongst themselves.

(2) Old clause (*c*), now clause (*b*), provided for one member from each Governor's province, elected from amongst themselves by members of the medical faculties of British Indian Universities in the province. We have widened this provision in two directions; firstly, we propose that each British Indian University should have a representative, and not each Governor's province only; secondly, we have widened the electorate from the medical faculties to the whole of the Senate or corresponding body of the university. In sub-clause (*3*) of clause 5 we propose to restrict the candidates for election to members of the medical faculties who have had at least four years' experience in teaching medicine.

(3) Old clause (*d*), now clause (*c*), provided for one member from each province who would be a graduate member of the Provincial Medical Council, to be elected by members of that Council. The old clause provided what was in effect a representation of the medical profession of the province by a method of indirect election. We prefer the method of direct election and a wider electorate; and we have accordingly provided that all graduate members on any Provincial Register may elect one of their number to be a member of the Council. Clause 5 contains no further restriction on the election of these members.

We have not altered the provisions, either of clause 3 or of clause 5, relating to the nominees of Local Governments and of the Governor-General in Council.

*Clause 4.*—We have amended this clause so as to make the Local Government the sole administrating authority in all election matters but have retained the power of the Governor-General in Council to issue instructions.

*Clause 7* contains consequential changes only.

*Clause 9.*—With the disappearance of the Register there is no need for a Registrar, and this clause, therefore, speaks of the Secretary only. We have added a sub-clause providing that, for the first four years' after the commencement of this Act, the Secretary should be appointed by the Governor-General in Council. This will enable a suitable person to be appointed before the Act comes into force to do the necesary preliminary work, who will carry on as Secretary thereafter. In particular, the person so appointed will be able to do all the preliminary work required for the speedy recognition of the qualifications granted by the Patna, Rangoon and Andhra Universities—*vide* note on clause 11.

*Clauses 11 to 17 of the Bill as introduced*, which all relate to the Register, have been deleted, and subsequent clauses have been renumbered.

*Clause 11*, corresponding to old clause 18, has a new sub-section (*4*). Before the Bill was drafted the qualifications granted by all Universities mentioned in the First Schedule had been internationally recognised, but, owing to certain reasons on which we need not dilate, the qualifications of the Universities of Patna, Rangoon and Andhra had not been so recognised. Their omission from the Schedule in no sense reflects on the present standards of their qualifications, and by the new sub-section (*4*) we intend to impress on the Council that the removal of this anomaly must be placed by them amongst their most urgent duties. We trust that this provision will secure the inclusion of all suitable qualifications granted by these Universities before any one can be prejudiced in any practical way.

*Clauses 12, 13 and 14.*—These replace clause 19 of the Bill as introduced, and modify it in an important manner. The Second Schedule sets out in a succinct and inclusive form all medical qualifications granted in the United Kingdom, in British possessions excluding India), and in foreign countries. Sub-clause (*1*) of old clause 19 provided that all these qualifications should be recognised medical qualifications in British India; and the remaining sub-clauses empowered the Medical Council in India to enter into negotiations for schemes of reciprocity with other countries, and empowered the Governor-General in Council to amend the Schedule to give effect to the results of those negotiations, either by including other qualifications or deleting existing ones. The scheme, in our opinion, is too loose for the situation now facing us, and we propose something more precise. Our general idea is that the qualifications included in the Second Schedule should be given statutory recognition for four years only, and that thereafter any qualification which has not been covered by an approved scheme of reciprocity should automatically disappear from the schedule. This general idea we have amplified in the following manner.

Sub-clause (*1*) of the old clause 19 has been made into a separate section and is a permanent declaration that the qualifications included in the Second Schedule will be recognised medical qualifications in British India. Under the original clause this would have entitled holders of such qualifications to enrolment on the All-India Register, but as that register has disappeared we have added words which will entitle these holders to enrolment

on any provincial register. Without these words India would have no real consideration to offer to a country proposing reciprocity.

In order to secure the automatic disappearance from the Second Schedule of qualifications in respect of which there is no reciprocity, we have inserted an elaborate new clause —clause 13—headed "Transitory arrangements for modifying the Second Schedule". The operation of this clause will be confined to the four years after the commencement of the Act. During this period all qualifications included in the Second Schedule will continue to be recognised in British India, and during this period the Council will enter into negotiations with the authorities of other countries concerned with a view to the framing of schemes of reciprocity. The result of the negotiations with each country will be reported to the Governor-General in Council, along with the decisions of the Council regarding the recognition of any of the medical qualifications granted in that country. As regards the decisions of the Council to recognise qualifications, the Governor-General in Council will have the last word, but we presume that he will seldom, if ever, differ in such matters from the considered decisions of the Council. The Governor-General in Council will then embody the results of successful negotiations in a resolution which will specify or indicate clearly the qualifications which have been approved for continued recognition in British India. Such resolutions will have no immediate effect, except in the case provided for in the proviso to sub-clause (2)—the case of qualifications not included in the Schedule. They will, however, form a precise and public record of the results of successful negotiations.

By sub-clause (3) the Governor-General in Council is required to make a summary of all these resolutions shortly before the expiry of four years after the commencement of the Act, and to embody it in a schedule, which will set out or indicate clearly all qualifications which, as a result of negotiations carried out, have been approved for continued recognition in British India. This schedule will be published in the *Gazette of India* and, on the expiry of the said period of four years, it will take the place of the present Second Schedule. It will follow automatically that all qualifications not included in a scheme of reciprocity will disappear from the Schedule four years after the Act is passed.

The machinery for the amendment of the Second Schedule after the expiry of four years is that contained in sub-clauses (2), (3) and (4) of clause 19 of the Bill as introduced, which now appear as clause 14 with the heading "Permanent arrangements for modifying the Second Schedule". We have added, however, in sub-clause (4), a provision for appeal, on the lines of sub-section (3) of section 13 of the Medical Act, 1886.

In clauses 13 (3) and 14 (3) we have safeguarded the interests of persons who take up practice or appointments on the basis of an existing recognition, by provisions which have the effect of barring retrospective withdrawals, —as in clause 17 (4) also.

The amendments made by us in later clauses of the Bill and in the headings of the Schedules are consequential or drafting changes.

4. The Bill was published in the *Gazette of India*, dated the 26th March, 1932.

5. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

B. B. GHOSE.
F. NOYCE.
AMAR NATH DUTT.
G. S. BAJPAI.
B. SITARAMA RAJU.
A. SUHRAWARDY.
HARBANS SINGH.
MOHD. AZHAR ALI.
S. C. MITRA.
GAYA PRASAD SINGH.
SATISH CH. SEN.
R. D. DALAL.
T. N. RAMAKRISHNA REDDI.
ISMAIL ALI KHAN.
JOHN MEGAW.

The 31st August, 1933.

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L. A. BILL NO. 30 OF 1932.

[AS AMENDED BY THE SELECT COMMITTEE.]

[Words printed in italics indicate the amendments suggested by the Committee]

*A Bill to constitute* a Medical Council in India

* * *

WHEREAS it is expedient to *constitute* a Medical Council in India * * * in order to establish a uniform minimum standard of higher qualifications in medicine for all provinces; It is hereby enacted as follows:—

Short title, extent and commencement.

**1.** (1) This Act may be called the Indian Medical Council Act, 1933.

(2) It extends to the whole of British India.

(3) It shall come into force on such date as the Governor-General in Council may, by notification in the Gazette of India, appoint.

**2.** In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "British Indian University" means any university in British India established by an Act of the Indian Legislature or of a local Legislature and having a medical faculty;

(b) "the Council" means the Medical Council of India constituted under this Act;

(c) "medical institution" means any institution, within or without British India, which grants degrees, diplomas or licences in medicine;

(d) "medicine" means modern scientific medicine and includes surgery and obstetrics, but does not include veterinary medicine and surgery;

(e) "Provincial Medical Council" means a medical council constituted under an Act of a local Legislature to regulate the registration of medical practitioners;

(f) "Provincial Medical Register" means a register maintained under an Act of a local Legislature to regulate the registration of medical practitioners;

(g) "*recognised medical qualification*" *means any of the medical qualifications included in the First and Second Schedules*; and

(h) "Regulation" means a Regulation made under section *18*.

**3.** (*1*) The Governor-General in Council shall cause to be constituted a Council consisting of the following members, namely:—

Constitution and composition of the Council.

* * * * * *

(a) one member from each Governor's province to be nominated by the Local Government of the province;

(b) one member from each *British Indian University, to be elected by the members of the Senate of the university (or, in the case of the university of Lucknow, the Court, and in the case of the university of Rangoon, the Council) from amongst the members of the medical faculty of the university;*

(c) one member from each *province where a Provincial Medical Register is maintained, to be elected from amongst themselves by persons enrolled on the Register who possess recognised medical qualifications or medical qualifications granted by a British Indian University; and*

(d) three members to be nominated by the Governor-General in Council.

(*2*) *The President of the Council shall be elected by the members of the Council from amongst themselves :*

*Provided that for four years from the first constitution of the Council the President shall be a person nominated by the Governor-General in Council who shall hold office during the pleasure of the Governor-General in Council and, where he is not already a member, shall be a member of the Council in addition to the members prescribed in sub-section (1).*

(*3*) No act done by the Council shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Council.

**4.** (*1*) An election under *clause* (*b*) or claues (*c*) of sub-section (*1*) of section 3 shall be conducted by the Local Government, * * * in such manner as it * * may think fit, subject to any instructions the Governor-General in Council may issue in this behalf.

Mode of election.

(*2*) Where any dispute arises regarding any election to the Council, it shall be referred to the *Local Government* whose decision shall be final.

**5.** (*1*) * * * No person shall be eligible for nomination or election under clause (*a*) or (*b*) * * of sub-section (*1*) of section 3 unless he *possesses a recognised medical qualification or a medical qualification granted by a British Indian University.*

Restrictions of nominations and elections.

(*2*) No person shall be eligible for nomination under clause (*a*) of sub-section (*1*) of section 3 unless he resides in the province concerned, and, where a Provincial Medical Register is maintained in that province, unless he is enrolled on that register.

(*3*) *No person shall be eligible for election under clause (b) of sub-section (1) of section 3 unless he has had at least four years' experience as a Professor, Assistant Professor, Lecturer or Reader in Medical Colleges or Schools.*

(*4*) No person may at the same time serve as a member in more than one capacity.

**6.** The Council so constituted shall be a body corporate by the name of the Medical Council of India, having perpetual succession and a common seal, with power to acquire and hold property both moveable and immoveable, and to contract, and shall by the said name sue and be sued.

Incorporation of the Council.

**7.** (*1*) *An elected President shall hold office for a term not exceeding five years and not extending beyond the expiry of the term for which he has been nominated or elected to be a member of the Council.*

Term of office.

(*2*) *A member, other than a nominated President*, shall hold office for the term of five years from the date of his nomination or election or until his successor shall have been duly nominated or elected, whichever is longer.

(*3*) Where the said term of five years is about to expire in respect of any member, his successor may be nominated or elected at any time within three months before the said term expires, but shall not assume office until the said term has expired.

**8.** (*1*) The Council shall hold its first meeting at such time and place as may be appointed by the Governor-General in Council; and thereafter the Council shall meet at least once in each year at such time and place as may be appointed by the Council.

Meetings of the Council.

(*2*) Until otherwise provided by Regulations, ten members of the Council shall form a quorum, and all the acts of the Council shall be decided by a majority of the members present and voting.

**9.** (*1*) The Council shall—

Officers, Committees and servants of the Council.

(*a*) elect from amongst its members a Vice-President;

(*b*) constitute from amongst its members an Executive Committee, and such other Committees for general or special purposes as the Council deems necessary to carry out the purposes of this Act;

(*c*) appoint a *Secretary*, who may also, if deemed expedient, act as * * Treasurer;

(*d*) appoint or nominate such other officers and servants as the Council deems necessary to carry out the purposes of this Act;

(*e*) require and take from the *Secretary*, or from any other officer or servant, such security for the due performance of his duties as the Council deems necessary; and

(*f*) with the previous sanction of the Governor-General in Council, fix the remuneration and allowances to be paid to the President, Vice-President, members, officers and servants of the Council.

(*2*) *Notwithstanding anything contained in clause* (c) *of sub-section (1), for the four years from the commencement of this Act, the Secretary of the Council shall be a person appointed by the Governor-General in Council, who shall hold office during the pleasure of the Governor-General in Council.*

**10.** (*1*) The Executive Committee shall consist of seven members, of whom five shall be elected by the Council from amongst its members.

The Executive Committee.

(*2*) The President and Vice-President of the Council shall be members *ex-officio* of the Executive Committee, and shall be President and Vice-President, respectively, of that Committee.

(*3*) In addition to the powers and duties conferred and imposed upon it by this Act, the Executive Committee shall exercise and discharge such powers and duties as the Council may confer or impose upon it by any Regulations which may be made in this behalf.

* * * * * * *

**11.** (*1*) The medical qualifications granted by medical institutions in British India which are included in the First Schedule shall be recognised medical qualifications for the purposes of this Act.

Recognition of medical qualifications granted by medical institutions in British India.

(*2*) *Any* medical institution in British India which grants a medical qualification not included in the First Schedule may apply to the Governor-General in Council to have such qualification recognised, and the Governor-General in Council, after consulting the Council, may, by notification in the Gazette of India, amend the First Schedule so as to include such qualification therein.

(*3*) Such notification may also direct that an entry shall be made in the last column of the First Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.

(*4*) *The Council shall, as soon as may be and without application being made, make all necessary arrangements for the inspection of the medical courses and examinations of the Universities of Patna, Rangoon and Andhra, and shall submit their recommendations to the Governor-General in Council regarding the inclusion in the First Schedule of the medical qualifications granted by these Universities.*

**12.** The medical qualifications granted by medical institutions outside British India which are included in the Second Schedule shall be recognised medical qualifications for the purposes of this Act, *and shall be sufficient qualification for enrolment on any Provincial Medical Register.*

*Non-Indian qualifications in Second Schedule to be recognised.*

**13.** (*1*) *At any time during the period of four years after the commencement of this Act, the Council may enter into negotiations with the authority in any State or country outside British India which is entrusted by the law of such State or country with the maintenance of a register of medical practitioners, for the settling of a scheme of reciprocity for the recognition of medical qualifications, and the course of such negotiations shall be reported to the Governor-General in Council, along with the decisions of the Council to recognise or to refuse to recognise the medical qualifications proposed by such authority for recognition in British India.*

*Transitory arrangements for modifying the Second Schedule.*

(*2*) *In so far as the decisions of the Council to recognise medical qualifications are accepted by the Governor-General in Council, they shall be embodied in a resolution and published in the Gazette of India, and such resolution shall specify or indicate with sufficient accuracy all medical qualifications finally approved for recognition in British India:*

*Provided that where any such resolution specifies or indicates a medical qualification which is not included in the Second Schedule, the Governor-General in Council may, by notification in the Gazette of India, amend the Second Schedule so as to include such qualification therein, and such amendment may further direct that such qualification shall be deemed to be a recognised medical qualification for the purposes of this Act only when granted after a specified date.*

(*3*) *Within one month before the expiry of the period of four years from the commencement of this Act, the Governor-General in*

*Council shall frame a schedule to include all medical qualifications which have been specified or indicated by him in resolutions made under sub-section (2), and shall publish the said schedule in the Gazette of India, and such schedule shall be substituted for the Second Schedule with effect from the expiry of the said period of four years, and shall then have force as if it had been enacted in this Act*:

*Provided that the Governor-General in Council shall include in the said schedule all medical qualifications included in the Second Schedule which were granted before the expiry of the said period of four years.*

Permanent arrangements modifying the Second Schedule.

**14.** (*1*) *At any time after the expiry of the period of four years after the commencement of this Act, the Council may complete or may enter into negotiations with the* authority in any State or country outside British India which by the law of such State or country is entrusted with the maintenance of a register of medical practitioners, *for the settling of a scheme of reciprocity for the recognition of medical qualifications*, and in pursuance of any such scheme the Governor-General in Council may, by notification in the Gazette of India, amend the Second Schedule so as to include therein any medical qualification which *the Council has decided should be recognised.*

(*2*) Such notification may also direct that an entry shall be made in the last column of the Second Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.

(*3*) The Governor-General in Council, after consultation with the Council, may, by notification in the Gazette of India, amend the Second Schedule * * * by directing that an entry be made *therein* * * * * * *in respect of* any medical qualification, declaring that it shall be a recognised medical qualification only when granted before a specified date.

(*4*) *Where the Council has refused to recognise any medical qualification which has been proposed for recognition by any such authority, that authority may apply to the Governor-General in Council, and the Governor-General in Council, after considering such application and after consulting the Council, may, by notification in the Gazette of India, amend the Second Schedule so as to include such qualification therein, and the provisions of sub-section (2) shall apply to such notification.*

Power to require information as to courses of study and examinations.

**15.** Every medical institution in British India which grants a recognised medical qualification shall furnish such information as the Council may, from time to time, require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred, and generally as to the requisites for obtaining such qualification.

Inspection of examinations.

**16.** (*1*) The Executive Committee shall appoint such number of medical inspectors as it may deem requisite to attend at any or all of the examinations held by medical institutions in British India for the purpose of granting recognised medical qualifications.

(*2*) Inspectors appointed under this section shall not interfere with the conduct of any examination, but they shall report to the Executive Committee on the sufficiency of every examination which they attend and on any other matters in regard to which the Executive Committee may require them to report.

(*3*) The Executive Committee shall forward a copy of any such report to the medical institution concerned, and shall also forward a copy, with the remarks of such institution thereon, to the Governor-General in Council.

Withdrawal of recognition.

**17.** (*1*) When, upon report by the Executive Committee, it appears to the Council that the courses of study and examination to be gone through in any medical institution in British India in order to obtain a recognised medical qualification or that the standards of proficiency required from candidates at any examination held for the purpose of granting such qualification are not such as to secure to persons holding such qualification the knowledge and skill requisite for the efficient practice of medicine, the Council shall make a representation to that effect to the Governor-General in Council.

(*2*) After considering such representation, the Governor-General in Council may send it to the Local Government of the province in which the medical institution is situated, and the Local Government shall forward it, along with such remarks as it may choose to make, to the medical institution, with an intimation of the period within which the medical institution may submit its explanation to the Local Government.

(*3*) On the receipt of the explanation or, where no explanation is submitted within the period fixed, then on the expiry of that period, the Local Government shall make its recommendations to the Governor-General in Council.

(*4*) The Governor-General in Council, after making such further enquiry, if any, as he may think fit, may, by notification in the Gazette of India, direct that an entry shall be made in the First Schedule against the said medical qualification declaring that it shall be a recognised medical qualification only when granted before a specified date.

Power to make Regulations.

**18.** (*1*) The Council may, with the previous sanction of the Governor-General in Council, make Regulations generally to carry out the purposes of this Act, and, without prejudice to the generality of this power, such Regulations may provide for—

(*a*) the management of the property of the Council;

(*b*) the summoning and holding of meetings of the Council, the times and

places where such meetings are to be held, the conduct of business thereat and the number of members necessary to constitute a quorum;

(c) *the resignation of members of the Council and the filling of casual vacancies;*

(d) the powers and duties of the President and Vice-President;

(e) the mode of appointment of the Executive Committee and other Committees, the summoning and holding of meetings, and the conduct of business of such Committees;

(f) the conduct of business of Provincial Committees;

(g) the tenure of office, and the powers and duties of the *Secretary* and other officers and servants of the Council;

(h) the appointment, powers, duties and procedure of medical inspectors; *and*

* * * * * * *

(i) any matter for which under this Act provision may be made by Regulations.

(2) Until the first Council is constituted under this Act, any Regulations which may be made under sub-section (1) may be made by the Governor-General in Council; and any Regulation so made may be altered or rescinded by the Council in exercise of its powers under sub-section (1).

Information to be furnished by Council, and publication thereof.

**19.** (1) The Council shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Governor-General in Council as he may require.

(2) The Governor-General in Council may publish, in such manner as he may think fit, any report, copy, abstract or other information furnished to him under this section or under section 16.

Commissions of Inquiry.

**20.** (1) Whenever it is made to appear to the Governor-General in Council that the Council is not complying with any of the provisions of this Act, the Governor-General in Council may refer the particulars of the complaint to a Commission of Inquiry consisting of three persons, two of whom shall be appointed by the Governor-General in Council, one being a Judge of a High Court established by Letters Patent of the Crown, and one by the Council; and such Commission shall proceed to inquire in a summary manner and to report to the Governor-General in Council as to the truth of the matters charged in the complaint, and in case of any charge of default or of improper action being found by the Commission to have been established, the Commission shall recommend the remedies, if any, which are in its opinion necessary.

(2) The Governor-General in Council may require the Council to adopt the remedies so recommended within such time as, having regard to the report of the Commission, he may think fit; and if the Council fails to comply with any such requirement, the Governor-General in Council may amend the Regulations of the Council, or make such provision or order or take such other steps as may seem necessary to give effect to the recommendations of the Commission.

(3) A Commission of Inquiry shall have power to administer oaths, to enforce the attendance of witnesses and the production of documents, and shall have all such other necessary powers for the purpose of any inquiry conducted by it as are exercised by a Civil Court under the Code of Civil Procedure, 1908. V of 1908.

## THE FIRST SCHEDULE.

(*See* section 11.)

*Recognised medical qualifications granted by medical institutions in British India.*

| Medical Institution. | Recognised medical qualification. | Abbreviation for registration. |
|---|---|---|
| University of Allahabad. | Bachelor of Medicine and Bachelor of Surgery. | M.B., B.S., All. |
| University of Bombay. | Licentiate in Medicine and Surgery. | L.M.S., Bom. |
| | Bachelor of Medicine and Bachelor of Surgery. | M.B., B.S., Bom. |
| | Doctor of Medicine .. | M.D., Bom. |
| | Master of Surgery .. | M.S., Bom. |
| University of Calcutta. | Licentiate in Medicine and Surgery. | L.M.S., Cal. |
| | Bachelor of Medicine | M.B., Cal. |
| | Doctor of Medicine .. | M.D., Cal. |
| | Master of Surgery .. | M.S., Cal. |
| | Master of Obstertrics | M.O., Cal. |
| University of Lucknow. | Bachelor of Medicine and Bachelor of Surgery. | M.B., B.S., Lucknow. |
| University of Madras. | Licentiate in Medicine and Surgery. | L.M.S., Mad. |
| | Bachelor of Medicine and Master of Surgery. | M.B., C.M., Mad. |
| | Bachelor of Medicine and Bachelor of Surgery. | M.B., B.S., Mad. |
| | Doctor of Medicine ... | M.D., Mad. |
| Punjab University. | Licentiate in Medicine and Surgery. | L.M. S., Pun. |
| | Bachelor of Medicine | M.B., Pun. |
| | Doctor of Medicine ... | M.D., Pun. |
| | Master of Surgery ... | M.S., Pun. |

## THE SECOND SCHEDULE.

(*See* section 12.)

*Recognised medical qualifications granted by medical institutions outside British India.*

A. Registrable qualifications admitting primarily to the Medical Register granted by licensing bodies in the United Kingdom, as shown in Table (F) set out in the Medical Register for 1931 printed and published under the direction of the General Council of Medical Education and Registration of the United Kingdom in pursuance of the Medical Acts, 1858 and 1886.

B. Registrable qualifications granted by licensing bodies in British possessions, as shown in Table (I) set out in the said Medical Register, other than registrable qualifications granted by licensing bodies in India.

C. Registrable qualifications granted by licensing bodies in Foreign Countries, as shown in Table (J) set out in the said Medical Register.

MD. RAFI,
*Offg. Secy. to the Govt. of India.*

GOVERNMENT OF INDIA.

**LEGISLATIVE ASSEMBLY DEPARTMENT.**

The following Report of the Select Committee on the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes was presented to the Legislative Assembly on the 4th September, 1933 :—

We, the undersigned, Members of the Select Committee to which the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. *Clause 2.*—We have made a drafting amendment in the definition of "passenger steamer" in clause (*c*).

*Clauses 24 and 25.*—In proposed new sections 216B (*1*), 224F (*1*) and 224M (*4*), we have inserted words requiring the surveyor to make his inspections at reasonable times.

In proposed new section 224C (*1*) and (*2*) we have made drafting amendments in order to keep the wording in accordance with the wording of section 121 of the main Act.

*Clause 30.*—Under the Convention, the requirements of proposed section 242A (*1*) apply to all voyages and not merely to international voyages. We have accordingly deleted certain words which would so restrict their application.

3. Some of us are of opinion that the rules to prevent the overcrowding of deck passengers are not being strictly enforced in all cases and suggest that an inquiry should be held into this matter and any action taken that may be necessary.

4. The Bill was published in the *Gazette of India*, dated the 17th December, 1932.

5. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

J. W. BHORE.
ABDUL MATIN CHAUDHRY.
BHAI PARMA NAND.
S. G. JOG.
GAYA PRASAD SINGH.
MOHD. AZHAR ALI.
B. V. JADHAV.
S. C. MITRA.
LESLIE HUDSON.
WAJIHUDDIN.
A. RAISMAN.

*The 2nd September, 1933.*

L. A. BILL NO. 46 OF 1932.

[AS AMENDED BY THE SELECT COMMITTEE.]

**[Words printed in italics indicate the amendments suggested by the Committee.]**

*A Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.*

WHEREAS an International Convention for the Safety of Life at Sea was signed in London on the 31st day of May, 1929, for promoting safety of life at sea by establishing in common agreement uniform principles and rules directed thereto;

AND WHEREAS an International Load Line Convention was signed in London on the 5th day of July, 1930, for promoting safety of life and property at sea by establishing in common agreement uniform principles and rules with regard to the limits to which ships on international voyages may be loaded;

AND WHEREAS the Government of India by its representatives was a signatory to the said Conventions;

AND WHEREAS in order to give effect to the said Conventions and in order in certain other respects to make better provision for Merchant Shipping it is expedient to amend the Indian Merchant Shipping Act, 1923, for the purposes hereinafter appearing; XXI of

It is hereby enacted as follows :—

Short title and commencement.

**1.** (*1*) This Act may be called the Indian Merchant Shipping (Second Amendment) Act, 193 .

(*2*) This section shall come into force at once; the rest of this Act or any section thereof shall come into force on such date as the Governor-General in Council may, by notification in the Gazette of India, appoint in this behalf.

XXI of 1923. Amendment of section 2, Act XXI of 1923.

**2.** In section 2 of the Indian Merchant Shipping Act, 1923 (hereinafter referred to as the said Act),—

(a) in clause (5), for the figures "1894—1921" the figures "1824—1932" shall be substituted;

(b) in clause (6), after the word "servants" the following words shall be added, namely:—

"but does not include any persons on board the ship either in the pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance which neither the master nor the owner could have prevented or forestalled";

(c) after clause (6), the following clause shall be inserted, namely:—

"(6A) 'passenger steamer' means a steamship *carrying* more than twelve passengers;".

Amendment of section 90, Act XXI of 1923.

**3.** For sub-section (1) of section 90 of the said Act, the following sub-section shall be substituted, namely:—

"(1) Every place in a British ship which is occupied by seamen or apprentices engaged under this Act and appropriated for their use shall have for each seaman or apprentice a space of not less than twelve superficial feet and not less than seventy-two cubic feet."

Amendment of section 121, Act XXI of 1923.

**4.** In section 121 of the said Act, after clause (xiii) the following clauses shall be added, namely:—

"(xiv) the times of closing and opening the hinged doors, portable plates, side scuttles, gangway cargo and coaling ports and other openings which are required by any rules made under this Act to be kept closed during navigation:

(xv) a record of all drills and inspections required by any rules made under this Act with an explicit record of any defects disclosed; and, if boat-drill is not practised on board the ship in any week, the reasons why boat-drill was not practised in that week."

Amendment of section 134, Act XXI of 1923.

**5.** In section 134 of the said Act,—

(a) in clause (b), after the word "equipments" the brackets and words "(including life-saving appliances and wireless telegraphy installation)", and after the word "engine-driver" the words "and of the wireless telegraphy operators and watchers" shall be inserted; and

(b) for clause (d) the following clause shall be substituted, namely:—

"(d) the voyages or class voyages on which, as regards construction, machinery and equipments, the steamship is in the surveyor's judgment fit to ply".

Amendment of section 139, Act XXI of 1923.

**6.** In section 139 of the said Act, the word "or" at the end of clause (b), and the whole of clause (c) shall be omitted.

Insertion of new section 139-A in Act XXI of 1923.

**7.** After section 139 of the said Act the following section shall be inserted, namely:—

Alterations in steamships subsequent to grant of certificate of survey, and additional surveys

"139A. (1) The owner or master of a steamship in respect of which a certificate of survey has been granted under this Part, shall, as soon as possible after any alteration is made in the steamship's hull, equipments or machinery which affects the efficiency thereof or the sea-worthiness of the steamship, give written notice to such person as the Governor-General in Council may direct containing full particulars of the alteration.

(2) If the owner or master of a steamship without reasonable cause, neglects to give the notice required by this section, he shall be liable to a fine which may extend to five hundred rupees.

(3) If the Governor-General in Council has reason to believe that since the making of the last declaration of survey in respect of a steamship—

(a) any such alteration as aforesaid has been made in the hull, equipments or machinery, of the steamship; or

(b) the hull, equipment or machinery of the steamship have sustained any injury or are otherwise insufficient, the Governor-General in Council may require the steamship to be again surveyed to such extent as he may think fit, and, if such requirement is not complied with, may cancel any certificate of survey issued under this Part in respect of the said steamship."

Insertion of new section 143-A in Act XXI of 1923.

**8.** After section 143 of the said Act the following section shall be inserted, namely:—

Prohibition of carriage of dangerous cargo.

"143A. (1) No steamship for which a certificate of survey is required by this Part shall carry as ballast or as cargo any goods which by reason of their nature, quantity or mode of stowage are either singly or collectively liable to endanger the lives of the passengers or the safety of the ship.

(2) The Governor-General in Council may, subject to the condition of previous publication, make rules determining what goods are to be considered dangerous goods and prescribing the precautions which must be taken in the package and stowage thereof.

(3) If goods are carried in any steamship in contravention of the provisions of this section or of the rules made thereunder, the owner or master shall for each offence be liable to a fine which may extend to three thousand rupees and the steamship shall be deemed for the purpose of section 232 to be unsafe by reason of improper loading."

**9.** In section 144 of the said Act,—

Amendment of section 144, Act XXI of 1923.

(a) in sub-section (1), the words "attested by a British Consular Officer at the port where the survey was made" shall be omitted; and

(b) in sub-section (2), the words " and duly attested by the British Consular Officer at that port " shall be omitted;

**10.** After clause (a) of sub-section (2) of section 145 of the said Act the following clause shall be inserted, namely:—

Amendment of section 145, Act XXI of 1923.

" (aa) declare the requirements as to construction, machinery, equipments (including life-saving appliances and wireless telegraphy installation) and marking of sub-division load lines, which are to be fulfilled before a declaration of survey may be granted;".

After section 145 of the said Act the following section shall be inserted, namely:—

Insertion of new section 145-A in Act XXI of 1923.

" 145A. (1) The Governor-General in Council may, subject to the condition of previous publication, make rules in respect of steamships for which a certificate of survey is required by this Part, regulating the provisions to be made for the safety of life at sea.

Power of Governor-General in Council to make rules as to safety of life.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may regulate—

(a) the control of hinged doors, portable plates, side scuttles, gangway-cargo and coaling ports and other openings;

(b) the methods to be adopted and the appliances to be carried for the prevention, detection and extinction of fire;

(c) the provision of means of making signals of distress and the supply of lights inextinguishable in water and fitted for attachment to life-buoys;

(d) the provision of boats, life-boats, life-rafts and buoyant apparatus, their equipment, and the specifications with which they shall comply, and the marking of these so as to show the dimensions thereof and the number of persons that may be carried thereon;.

(e) the manning of boats and life-boats and the qualifications and certificates of life-boat men;

(f) the provision to be made for mustering the passengers and crew and for embarking them in the boats and life-boats (including provision as to the lighting of, and as to the means of ingress to, and egress from, different parts of the ship);

(g) the practising of boat drills; and

(h) the assignment of specific duties to each member of the crew in the event of an emergency.

(3) In making a rule under this section the Governor-General in Council may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues."

**12.** In Part IV of the said Act, in the headings and elsewhere wherever the expressions occur, for the expressions " native passenger ", " native passengers ", " native passenger ship " and " native passenger ships ", respectively, the expressions " unberthed passenger ", " unberthed passengers " " unberthed passenger ship " and " unberthed passenger ships " shall be substituted.

Amendment of Part IV, Act XXI of 1923.

**13.** In section 147 of the said Act,—

Amendment of section 147, Act XXI of 1923.

(a) in sub-section (2),—

(i) for clause (a) the following clause shall be substituted, namely:—

" (a) to any steamship not carrying more than sixty unberthed passengers; " and

(ii) for clause (b) the following clause shall be substituted, namely:—

" (b) to any ship not intended to carry unberthed passengers to or from any port in British India; or "; and

(b) in sub-section (3), for the words "carrying as passengers more than fifteen natives of Asia or Africa " the words " carrying more than fifteen unberthed passengers " shall be substituted, and for the worls " carrying as passengers more than thirty such persons " the words " carrying more than thirty such passengers " shall be substituted.

**14.** For clause (1) of section 149 of the said Act the following clause shall be substituted, namely:—

Amendment of section 149, Act XXI of 1923.

" (1) ' unberthed passenger ' means a passenger of the age of twelve years or upwards for whom no separate

accommodation in any cabin, state room or saloon is reserved; but it does not include either a passenger in attendance on a person who is not an unberthed passenger or a child under one year of age; and, in the computation of passengers for any of the purposes of this Part, two persons of the age of one year or upwards and under the age of twelve years shall be reckoned as one unberthed passenger;"

**15.** In section 155 of the said Act,—

Amendment of section 155, Act XXI of 1923.

(a) in clause (f), for the words "propelled principally by steam" the words "propelled principally by machinery" shall be substituted; and

(b) in clause (g), for the words "propelled principally by steam" the words "propelled principally by machinery" shall be substituted, and for the words "steam power" the words "power" shall be substituted.

**16.** In sub-section (1) of section 160 of the said Act, for the words "unless he is satisfied that the ship has not" the words, "if he has reason to believe that the ship has" shall be substituted.

Amendment of section 160, Act XXI of 1923.

**17** To the proviso to section 177 of the said Act the following words shall be added, namely:—

Amendment of section 177, Act XXI of 1923.

"but shall obtain from the certifying officer an endorsement on the certificate B showing the number of passengers taken on board, and the number of passengers discharged, at that port or place."

**18.** In sub-section (2) of section 179 of the said Act, for the word "steam", in both places where it occurs, the word "machinery" shall be substituted.

Amendment of section 179, Act XXI of 1923.

**19.** In sub-section (1) or section 183 of the said Act, for the word "steam" the word "machinery" shall be substituted.

Amendment of section 183, Act XXI of 1923.

**20.** In sub-section (1) of section 184 of the said Act, the words "from or to any port in British India to or from any port in the Red Sea" shall be omitted.

Amendment of section 184, Act XXI of 1923.

**21.** In sub-section (1) of section 200 of the said Act, for the words "propelled principally by steam" the words "propelled principally by machinery" shall be substituted, and for the words "steam-power" the word "power" shall be substituted.

Amendment of section 200, Act XXI of 1923.

**22.** In clause (l) of sub-section (1) of section 213 of the said Act, for the words "steam-power" the word "power" shall be substituted.

Amendment of section 213, Act XXI of 1923.

**23.** In Part V of the said Act, after the main heading "SAFETY" and before the heading "*Prevention of Collisions*" preceding section 214, the following section shall be inserted, namely:—

Insertion of new section 213-A in Act XXI of 1923.

"213A. In this Part the expressions 'Country to which the International Convention respecting Load Lines, 1930, applies' and 'Country to which the International Convention for the Safety of Life at Sea, 1929, applies', mean—

Definition.

(i) a country which has been declared by Order in Council made by His Majesty under section 65 or section 37 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, to have ratified or acceded to the Convention specified in the expression and has not been so declared to have denounced the Convention;

(ii) any colony or overseas territory of, or any protectorate or territory under suzeranity or mandate of a country so declared, in respect of which a declaration under the said section of the said Act has been made that the Convention specified in the expression has been applied to such colony, territory or protectorate, and no declaration has been made that the said Convention has ceased to apply."

**24.** After section 216 of the said Act, the following heading and sections shall be inserted, namely:—

Insertion of new sections 216-A and 216-B in Act XXI of 1923.

"*Life-saving Appliances.*

216A. (1) The Governor-General in Council may, subject to the condition of previous publication, make rules prescribing the life-saving appliances to be carried by every British ship going to sea from any port in British India.

Power of Governor-General in Council to make rules as to life-saving appliances.

(2) In making a rule under this section, the Governor-General in Council may direct that a breach if it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

216B. (1) A surveyor appointed under section 129 of this Act may, *at any reasonable time*, inspect any ship for the purpose of seeing that she is properly provided with life-saving appliances in conformity with the rules made under this Act.

Inspection of provision of life-saving appliances.

(2) If the said surveyor finds that the ship is not so provided he shall give

to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

(3) Every notice so given shall be communicated in the manner directed by the Governor-General in Council to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance, and the ship shall be detained until a certificate signed by such surveyor is produced to the effect that the ship is properly provided with life-saving appliances in conformity with the said rules.

(4) Such fees may be charged for the grant of the certificate referred to in sub-section (3) as the Governor-General in Council may prescribe."

Substitution of new sections 217—224-M for sections 217—224, Act XXI of 1923.

**25.** For the heading to sections 217 to 224 of the said Act and for those sections the following headings and sections shall be substituted, namely:—

" *Load Lines.*

Operation of provisions relating to load lines.

217. (1) Sections 218 to 224M inclusive (hereinafter referred to as 'the provisions of this Part relating to load lines') shall have effect only from such date as the Governor-General in Council may, by notification in the *Gazette of India*, appoint in this behalf.

(2) Notwithstanding the provisions of sub-section (1) the power to make rules conferred by section 219 and by sub-section (1) of section 224M may be exercised, and a load-line certificate may be issued in accordance with the rules made under section 219, at any time before such appointed date as if the provisions of this Part relating to load-lines were already in force: and where a load-line certificate is so issued in respect of any ship, or where before such appointed date a certificate granted under section 223 of this Act as in force prior to its amendment by the Indian Merchant
1193 Shipping (Second Amendment) Act, 193 , ceases to be in force in respect of any ship, the provisions of this Part relating to load-lines shall be deemed to have come into force with respect to such ship as from the date on which the said load-line certificate is issued or the said certificate granted under section 223 ceases to be in force, as the case may be.

Ships exempt from provisions relating to load lines.

218. (1) The provisions of this Part relating to load-lines shall not apply to—

(i) any sailing ship of less than 150 tons gross tonnage employed in plying coastwise between ports situated in India and Ceylon;

(ii) any ship solely engaged in fishing;

(iii) any pleasure yacht.

(2) The Governor-General in Council may, on such conditions as he may think fit, exempt from the provisions of this Part relating to load-lines—

(i) any ship plying between the near neighbouring ports of two or more countries if the Governor-General in Council and the Governments of those countries are satisfied that the sheltered nature and conditions of the voyages between those ports make it unreasonable or impracticable to apply to ships so plying the provisions of this Part relating to load-lines;

(ii) any ship plying between near neighbouring ports of the same country if the Governor-General in Council is satisfied as aforesaid;

(iii) wooden ships of primitive build if the Governor-General in Council considers that it would be unreasonable or impracticable to apply the said provisions to them;

(iv) any class of steamships of less than 150 tons gross tonnage which are employed in plying coastwise between ports situated in India and Ceylon and do not carry cargo.

Power of Governor-General in Council to make rules as to load lines.

219. The Governor-General in Council may, subject to the condition of previous publication, make rules (hereafter in this Act referred to as 'the load-line rules') regulating the survey of ships for the purpose of assignment and marking of load-lines and prescribing the conditions (hereafter in this Act referred to as 'the conditions of assignment') on which load-lines may be assigned.

Marking of deck line and load lines.

220. (1) No British ship registered in British India, being a ship of which the keel was laid after the 30th day of June, 1932, and not being exempt from the provisions of this Part relating to load-lines, shall proceed to sea unless—

(i) the ship has been surveyed in accordance with the load-line rules;

(ii) the ship complies with the conditions of assignment;

(iii) the ship is marked on each side with a mark (hereafter in this Act referred to as a 'deck line') indicating the position of the uppermost complete deck as defined by the load-line rules, and with marks (hereafter in this Act referred to as 'load lines') indicating the several maximum depths to which the ship can be safely loaded in various circumstances prescribed by the load-line rules;

(iv) the deck line and load-lines are of the description required by the load-line rules, the deck line is in the position required by those rules, and the load-lines are of the number required by such of those rules as are applicable to the ship; and

(v) the load-lines are in the position required by such of the load-line rules as are applicable to the ship.

(2) No British ship registered in British India, being a ship of which the keel was

laid before the first day of July, 1932, and not being exempt from the provisions of this Part relating to load-lines, shall proceed to sea unless—

(i) the ship has been surveyed and marked in accordance with clauses (i), (iii) and (iv) of sub-section (1);

(ii) the ship complies with the conditions of assignment in principle and also in detail so far as, in the opinion of the Governor-General in Council, is reasonable and practicable, having regard to the efficiency of the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters provided by the arrangements, fittings and appliances existing on the ship at the time when she is first surveyed under this section; and

(iii) the load-lines are either in the position required by clause (v) of sub-section (1) or in the position required by the tables used by the Board of Trade on the 31st day of December, 1906, for fixing the position of load lines, subject to such modifications of those tables and of the application thereof as were in force immediately before the 5th day of July, 1930.

(3) If any ship proceeds or attempts to proceed to sea in contravention of this section, the master or owner thereof shall for each offence be liable to a fine which may extend to one thousand rupees.

(4) Any ship attempting to proceed to sea without being surveyed and marked as required by this section may be detained until she has been so surveyed and marked, and any ship which does not comply with the conditions of assignment to the extent required in her case by this section shall be deemed to be unsafe for the purpose of section 232.

Submersion of load line.

221. (1) A British ship registered in British India (not being exempt from the provisions of this Part relating to load-lines) shall not be so loaded as to submerge in salt water, when the ship has no list, the appropriate load-line on each side of the ship, that is to say, the load-line indicating or purporting to indicate the maximum depth to which the ship is for the time being entitled under the load-line rules to be loaded.

(2) If any such ship is loaded in contravention of this section, the owner or master of the ship shall for each offence be liable to a fine which may extend to one thousand rupees and to such additional fine, not exceeding the amount hereinafter specified, as the Court thinks fit to impose having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

(3) The said additional fine shall not exceed one thousand rupees for every inch or fraction of an inch by which the appropriate load-line on each side of the ship was submerged, or would have been submerged if the ship had been in salt water and had had no list.



(4) In any proceedings against an owner or master for a contravention of this section, it shall be a good defence to prove that the con-contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(5) Without prejudice to any proceedings under the foregoing provisions of this section, any ship which is loaded in contravention of this section may be detained until she ceases to be so loaded.

222. If—

Offences in relation to marks.

(i) the owner or master of a British ship registered in British India, which has been marked in accordance with the foregoing provisions of this Part, fails without reasonable cause to keep the ship so marked, or

(ii) any person conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any mark placed on any such ship in accordance with the foregoing provisions of this Part, except with the authority of a person entitled under the load-line rules to authorise the alteration of the mark or except for the purpose of escaping capture by an enemy,

he shall for each offence be liable to a fine which may extend to one thousand rupees.

Inspection of ships with respect to load lines.

223. A surveyor authorised in this behalf by the Governor-General in Council may inspect any British ship registered in British India for the purpose of seeing that the provisions of this Part relating to load-lines have been complied with and for this purpose may go on board the ship at all reasonable times and do all things necessary for the the proper inspection of the ship and may also require the master of the ship to supply him with any information which it is in the power of the master to supply for that purpose, including the production of any certificate granted under this Part in respect of the ship.

*Certificates.*

Issue of load-line certificates and effect thereof.

224. (1) Where a British ship registered in British India has been surveyed and marked in accordance with the foregoing provisions of this Part and complies with the conditions of assignment to the extent required in her case by those provisions, there shall be issued to the owner of the ship on his application and on payment of the prescribed fee—

(i) in the case of a ship of 150 tons gross tonnage or upwards which carries cargo or passengers, a certificate to be called 'an international load-line certificate'; and

(*ii*) in the case of any other ship, a certificate to be called 'a British India load-line certificate'.

(*2*) Every such certificate shall be issued either by the Governor-General in Council or by such other person as may be authorised in that behalf by the Governor-General in Council and shall be issued in such form and manner as may be prescribed by the load-line rules.

(*3*) The Governor-General in Council may request the Government of a country to which the International Convention respecting Load Lines, 1930, applies, to issue a load-line certificate in the form of an international load-line certificate under that Convention in respect of a British ship registered in British India, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Part as if it had been issued by the Governor-General in Council.

(*4*) Where a load-line certificate, issued in pursuance of this section and for the time being in force, is produced in respect of a ship, the ship shall, for the purposes of the foregoing provisions of this Part, be deemed to have been surveyed as required by those provisions, and, if the deck line and load lines on the ships are of the number and description required by the load-line rules and the position of the deck line and load lines corresponds with the position specified in the certificate, the ship shall be deemed to be marked as required by those provisions.

Duration, renewal and cancellation, of certificates.

224A. (*1*) Every load-line certificate issued by or under the authority of the Governor-General in Council shall, unless it is renewed in accordance with the provisions of sub-section (*2*), expire at the end of such period, not exceeding five years from the date of its issue, as may be specified therein.

(*2*) Any such load-line certificate may, after a survey not less effective than the survey required by the load-line rules before the issue of the certificate, be renewed from time to time by the Governor-General in Council, or by any person authorised by the Governor-General in Council to issue a load-line certificate, for such period (not exceeding five years on any occasion) as the Governor-General in Council or the person renewing the certificate thinks fit.

(*3*) The Governor-General in Council shall cancel any such load-line certificate in force in respect of a ship if he has reason to believe that—

(*i*) material alterations have taken place in the hull or superstructures of the ship which affect the position of the load-lines; or

(*ii*) the fittings and appliances for the protection of openings, the guard rails, the freeing ports or the means of access to the crew's quarters have not been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(*4*) The owner of every ship in respect of which any such certificate has been issued shall, so long as the certificate remains in force, cause the ship to be surveyed in the prescribed manner once at least in each year after the issue of the certificate for the purpose of seeing whether the certificate should, having regard to sub-section (*3*), remain in force, and if the ship is not so surveyed, the Governor-General in Council shall cancel the certificate:

Provided that the Governor-General in Council, if he thinks fit in any particular case, may extend the said period of one year.

(*5*) Where any such load-line certificate has expired or been cancelled, the Governor-General in Council may require the owner or master of the ship to which the certificate relates to deliver up the certificate as he directs, and the ship may be detained until such requirement has been complied with, and if the owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine which may extend to one hundred rupees.

(*6*) On the survey of any ship in pursuance of this section there shall be paid by the owner of the ship such fee as may be prescribed.

Ships not to proceed to sea without certificate.

224B. (*1*) No British ship registered in British India shall proceed to sea unless there is in force in respect of the ship a load-line certificate issued under the provisions of section 224.

(*2*) The master of every British ship registered in British India shall produce to the Officer of Customs, from whom a port clearance for the ship is demanded, the certificate which is required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and the port clearance shall not be granted, and the ship may be detained, until that certificate is so produced.

(*3*) The master of any ship which proceeds or attempts to proceed to sea in contravention of this section shall for each offence be liable to a fine which may extend to one thousand rupees.

Publication of load-line certificate and particulars relating to depth of loading.

224C. (*1*) When a load-line certificate has been issued in pursuance of the foregoing provisions of this part in respect of a British ship registered in British India other than a home-trade ship not exceeding 300 tons burden—

(*i*) the owner of the ship shall forthwith on the receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use; and

(*ii*) the master of the ship, before making any other entry in any official log-book, shall enter *or cause to be entered* therein the particulars as to the

position of the deck line and load lines specified in the certificate.

(*2*) Before any such ship leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master thereof shall—

(*i*) enter *or cause to be entered* in the official log-book such particulars relating to the depth to which the ship is for the time being loaded as the Governor General in Council may by rules made in this behalf prescribe; and

(*ii*) cause a notice, in such form and containing such of the said particulars as may be required by the said rules, to be posted up in some conspicuous place on board the ship and to be kept so posted up and legible until the ship arrives at some other dock, wharf, harbour or place:

Provided that the Governor General in Council may by the said rules exempt home-trade ships or any class of home-trade ships from the requirments of clause (ii) of this sub-section.

(*3*) If the master or owner of any British ship registered in British India fails to comply with the provisions of this section, he shall for each offence be liable to a fine which may extend to two hundred rupees.

Insertion of particulars as to load lines in agreements with crew.

224D. (*1*) Before an agreement with the crew of any British ship registered in British India, in respect of which a load-line certificate is in force, is signed by any member of the crew, the master of the ship shall insert in the agreement the particulars as to the position of the deck line and load lines specified in the certificate, and if he fails to do so, he shall for each offence be liable to a fine which may extend to two hundred rupees.

(*2*) In the case of a British ship registered in British India, being a foreign-going ship, the shipping master shall not proceed with the engagement of the crew until—

(*i*) there is produced to him a load-line certificate for the time being in force in respect of the ship; and

(*ii*) he is satisfied that the particulars required by this section have been inserted in the agreement with the crew.

*Special provisions as to ships not registered in British India.*

Load-line certificates of ships not registered in British India.

224E. (*1*) The Governor General in Council may, at the request of a country to which the International Convention respecting Load Lines, 1930, applies, issue an international load-line certificate in respect of a ship of that country if he is satisfied in like manner as in the case of a British ship registered in British India that he can properly issue the certificate, and where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

(*2*) With a view to determining the validity in British India of certificates purporting to have been issued in accordance with the International Convention respecting Load Lines, 1930, in respect of ships not registered in British India, the Governor General in Council shall make such rules as appear to him to be necessary, and for the purpose of the provisions hereafter contained in this Part relating to ships not registered in British India, the expression 'a valid international load-line certificate' means a certificate complying with such of those rules as are applicable in the circumstances.

Inspection and control of ships not registered in British India.

224F. (*1*) A surveyor authorised in this behalf by the Governor General in Council may, *at any reasonable time*, go on board any ship not registered in British India being a ship of 150 tons gross tonnage or upwards carrying cargo or passengers and belonging to a country to which the International Convention respecting Load Lines, 1930, applies, when such ship is within any port in British India, for the purpose of demanding the production of any load-line certificate for the time being in force in respect of the ship.

(*2*) If a valid international load-line certificate is produced to the surveyor on any such demand, the surveyor's powers of inspecting the ship with respect to load line shall be limited to seeing—

(*i*) that the ship is not loaded beyond the limits allowed by the certificate;

(*ii*) that the position of the load lines on the ship corresponds with the position specified in the certificate;

(*iii*) that no material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines;

(*iv*) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been miantained on the ship in as effective a condition as they were in when the certificate was issued.

(*3*) If it is found on any such inspection that the ship is loaded beyond the limits allowed by the certificate, the ship may be detained and the provisions of section 238 shall apply.

(*4*) If it is found on any such inspection that the load lines on the ship are not in the position specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.

(*5*) If it is found on any such inspection that the ship has been so materially altered in respect of the matters referred to in clauses (iii) and (iv) of sub-section (*2*) that the ship is manifestly unfit to proceed to sea without

danger to human life, the ship shall be deemed to be unsafe for the purpose of section 232 (in the case of a British ship) or for the purpose of section 238 (in the case of a foreign ship):

Provided that where the ship has been detained under either of the last-mentioned sections, the Governor General in Council shall order the ship to be released as soon as he is satisfied that the ship is fit to proceed to sea without danger to human life.

(6) If a valid international load-line certificate is not produced to the surveyor on such demand as aforesaid, the surveyor shall have the same power of inspecting the ship, for the purpose of seeing that the provisions of this Part relating to load lines have been complied with, as if the ship were a British ship registered in British India.

(7) For the purposes of this section a ship shall be deemed to be loaded beyond the limits allowed by the certificate if she is so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the International Convention respecting Load Lines, 1930, to be loaded.

Certificate of ship not registered in British India to be produced to Customs.

224G. The master of every ship not registered in British India being a ship of 150 tons gross tonnage or upwards carrying cargo or passengers and belonging to a country to which the International Convention respecting Load Lines, 1930, applies, shall produce to the officer of Customs from whom a port clearance for the ship from any port in British India is demanded—

(i) in a case where port clearance is demanded in respect of a voyage to a port or place outside British India, a valid international load-line certificate;

(ii) in a case where port clearance is demanded in respect of any other voyage, either a valid international load-line certificate or a valid British India load-line certificate;

and the port clearance shall not be granted and the ship may be detained until the certificate required by this section is so produced.

Marking of deck line and load lines of ships not registered in British India.

224H. The provisions of section 220 shall apply to ships not registered in British India proceeding or attempting to proceed to sea from ports in British India as they apply to British ships registered in British India subject to the following modifications, namely:—

(i) the said section shall not apply to a ship not registered in Britist India if a valid international load-line certificate is produced in respect of the ship; and

(ii) subject to the provisions of clause (i) of this section a foreign ship which does not comply with the conditions of assignment to the extent required in her case by the said section 220 shall be deemed to be unsafe for the purpose of section 238.

Submersion of load line of ships not registered in British India.

224I. The provisions of section 221 shall apply to ships not registered in British India, while they are within any port in British India as they apply to ships registered in British India subject to the following modifications, namely:—

(i) no ship of 150 tons gross tonnage or upwards carrying cargo or passengers and belonging to a country to which the International Convention respecting Load Lines, 1930, applies, shall be detained and no proceedings shall be taken against the owner or master thereof by virtue of the said section except after an inspection by a surveyor as provided by section 224F; and

(ii) the expression 'the appropriate load line' in relation to any ship not registered in British India shall mean—

(a) in the case of a ship in respect of which there is produced on such an inspection as aforesaid a valid international load-line certificate, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the International Convention respecting Load Lines, 1930, to be loaded;

(b) in any other case, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being entitled under the load-line rules to be loaded, or, if no load line on the ship corresponds as aforesaid, the lowest load line thereon.

Inspection of ships not registered in British India.

224J. The provisions of section 223 shall apply, in the same manner as they apply to British ships registered in British India, to all other ships while they are within any port in British India, except ships to which the provisions of section 224F apply.

Load-line certificates of ships not registered in British India.

224K. (1) The provisions of this Part relating to the issue, effect, duration, renewal and cancellation of British India load-line certificates shall apply to ships not registered in British India as they apply to British ships registered in British India subject to the following modifications, namely:—

(i) any such certificate may be issued in respect of any such ship as in respect of a ship registered in British India, provided that any such certificate issued in respect of a ship of 150 tons gross tonnage and upwards carrying cargo or passengers and belonging to

a country to which the International Convention respecting Load Lines, 1930, applies, shall only be valid so long as the ship is not plying on voyages from or to any place in British India to or from any place outside British India and shall be endorsed with a statement to that effect and shall be cancelled by the Governor General in Council if he has reason to believe that the ship is so plying; and

(*ii*) the survey required for the purpose of seeing whether the certificate should remain in force shall take place when required by the Governor General in Council.

(*2*) If the Governor General in Council is satisfied—

(*i*) either—

(*a*) that by the law in force in any part of His Majesty's dominions outside British India provision has been made for the fixing, marking and certifying of load lines on British ships (or any class or description of British ships) registered in that part of His Majesty's dominions, or

(*b*) that provision has been made as aforesaid by the law in force in any foreign country with respect to ships (or any class or description of ships) of that country and has also been so made (or has been agreed to be so made) for recognising British India load-line certificates as having the same effect in ports of that country as certificates issued under the said provision, and

(*ii*) that the said provision for the fixing marking and certifying of load lines is based on the same principles as the corresponding provisions of this Part relating to load lines and is equally effective,

he may, by notification in the *Gazette of India*, direct that load-line certificates issued in pursuance of the said provision in respect of British ships (or that class or description of British ships) registered in that part of His Majesty's dominions, or in respect of ships (or that class or description of ships) of that foreign country, as the case may be, shall have the same effect for the purpose of this Part as British India load-line certificates:

Provided that such direction shall not apply to ships of 150 tons gross tonnage and upwards carrying cargo or passengers and belonging to countries to which the International Convention respecting Load Lines, 1930, applies, if such ships are engaged in plying on voyages from or to any place in British India to or from any place outside British India.

Certificates to be produced to Customs by ships not registered in British India.

224L. The master of every ship not registered in British India other than ships to which the provisions of section 224G apply shall produce to the officer of Customs from whom a port clearance for the ship from any port in British India is demanded, either a British India load-line certificate or a certificate having effect under this Act as such a certificate, being a certificate for the time being in force in respect of the ship, and the port clearance shall not be granted and the ship may be detained until the certificate required by this section is so produced.

*Loading of Timber.*

Power of Governor General in Council to make rules as to timber cargo.

224M. (*1*) The Governor General in Council shall, subject to the condition of previous publication, make rules (hereafter in this section referred to as the 'timber cargo rules') as to the conditions on which timber may be carried as cargo in any uncovered space on the deck of any ship.

(*2*) The timber cargo rules may prescribe a special load line to be used only when the ship is carrying timber as cargo on deck and the conditions on which such special load line may be assigned, and may further prescribe either generally or with reference to particular voyages and seasons the manner and position in which such timber is to be stowed and the provisions which are to be made for the safety of the crew.

(*3*) If any provision of the timber cargo rules is contravened in the case of any British ship registered in British India, the master of the ship shall be liable to a fine which may extend to five thousand rupees:

Provided that in any proceedings against a master in respect of a contravention of the timber cargo rules it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(*4*) Any surveyor authorised in this behalf by the Governor General in Council may, *at any reasonable time*, inspect any ship carrying timber as cargo in any uncovered space on her deck for the purpose of seeing whether the timber cargo rules have been complied with.

(*5*) The foregoing provisions of this section and the timber cargo rules shall apply to ships not registered in British India, while they are within any port in British India as they apply to British ships registered in British India."

Substitution of new sections for sections 227 and 228, Act XXI of 1923.

For the heading to sections 227 and 228 of the said Act and for those sections the following heading and sections shall be substituted, namely:—

"*Subdivision Load Lines.*

Submersion of subdivision load lines in case of British passenger steamer registered in British India.

227. (*1*) Where—

(*a*) a British passenger steamer registered in British India has been marked with

subdivision load lines, that is to say, load lines indicating the depth to which the steamer may be loaded having regard to the extent to which she is subdivided and to the space for the time being allotted to passengers, and

(b) the appropriate subdivision load line, that is to say, the subdivision load line appropriate to the space for the time being allotted to passengers on the steamer, is lower than the load line indicating the maximum depth to which the steamer is for the time being entitled under the provisions of this Part to be loaded,

the steamer shall not be so loaded as to submerge the appropriate subdivision load line on each side of the steamer when the steamer has no list.

(2) If any such steamer is loaded in contravention of this section, the owner or master of the steamer shall for each offence be liable to a fine which may extend to one thousand rupees and to such additional fine, not exceeding the amount hereinafter specified, as the Court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

(3) The said additional fine shall not exceed one thousand rupees for every inch or fraction of an inch by which the appropriate subdivision load line on each side of the ship was submerged, or would have been submerged if the ship had had no list.

(4) Without prejudice to any proceedings under the foregoing provisions of this section, any such steamer which is loaded in contravention of this section may be detained until she ceases to be so loaded.

228. The provisions of section 227 shall apply to passenger steamers not registered in British India while they are within any port in British India as they apply to British passenger steamers registered in British India."

Application of section 227 to steamers not registered in British India.

In section 234 of the said Act, after the word "unsafe," the following words shall be inserted, namely:—

Amendment of section 234, Act XXI of 1923.

"or if a ship is detained in pursuance of any provision of this Part which provides for the detention of a ship until a certain event occurs,"

**28.** In section 238 of the said Act, after the word "unsafe" the following words shall be inserted, namely:—

Amendment of section 238—Act XXI of 1923.

"by reason of the defective condition of her hull, equipments or machinery, or".

**29.** Section 241 of the said Act shall be omitted.

Repeal of section 241, Act XXI of 1923.

**30.** After section 242 of the said Act the following sections shall be inserted, namely:—

Insertion of new section 242-A in Act XXI of 1923.

"242A. (1) On and after such date as the Governor-General in Council may, by notification in the *Gazette of India*, appoint in this behalf every British ship registered in British India being a passenger steamer of 5,000 tons gross tonnage or upwards shall * * * be provided with a wireless direction-finding apparatus of the prescribed description.

Wireless direction finding apparatus.

(2) If this section is not complied with in the case of any such ship, the master or owner of the ship shall be liable in respect of each offence to a fine which may extend to two hundred rupees.

242B. (1) Every ship compulsorily equipped under the provisions of section 242 with a wireless telegraph installation shall maintain in the wireless telegraph room a wireless telegraph log in which shall be entered such particulars relating to the operation of the wireless telegraph installation and as to the maintenance of the wireless telegraph service as may be prescribed.

Wireless telegraph log.

(2) The provisions of section 122 shall apply to the wireless telegraph log kept under this section as if it were an official log-book."

To sub-section (2) of section 243 of the said Act the following proviso shall be added, namely:—

Amendment of section 243, Act XXI of 1923.

"Provided that if a valid Safety Convention Certificate is produced in respect of any ship not registered in British India, the inspection shall be limited to seeing that the ship is provided with a wireless telegraph installation and that the number of certified operators and watchers corresponds substantially with the particulars stated in the certificate."

**32.** In clause (a) of sub-section (2) of section 245 of the said Act—

Amendment of section 245, Act XXI of 1923.

(a) after the word "installation" the words "and wireless direction-finding apparatus" shall be inserted;

(b) after the word "maintained" the words "the form of the wireless log and the particulars to be entered therein" shall be inserted; and

(c) the proviso shall be omitted.

**33.** In Part V of the said Act, after section 245 the following headings and sections shall

Insertion of new sections 245 A—245-M in Part V Act XXI of 1923.

be inserted, namely:—

"*Signalling Lamps.*

245A. (*1*) Every British ship registered in British India being a ship of over 150 tons gross tonnage shall, when proceeding to sea from any port or place in British India to any port or place outside British India, be provided with a signalling lamp of the type approved by the Governor-General in Council.

Signalling lamps.

(*2*) If any ship proceeds or attempts to proceed to sea in contravention of this section, the owner or master thereof shall for each offence be liable to a fine which may extend to two hundred rupees.

*Safety Certificates, Radio-telegraphy Certificates and Exemption Certificates.*

245B. The provisions of this Part relating to Safety Certificates, Qualified Safety Certificates, Safety Radio-telegraphy Certificates and Exemption Certificates, that is to say, the provisions of section 245C to section 245M inclusive, shall have effect only from such date as the Governor-General in Council may, by notification in the *Gazette of India*, appoint in this behalf.

Operation of provisions relating to Safety Certificates and Exemption Certificates.

245C. (*1*) Upon receipt of a declaration of survey granted under Part III in respect of a steamship for which a certificate of survey is required by that Part, the Governor-General in Council shall, if satisfied that the steamship complies with all the provisions as to construction, machinery and equipments (including life saving appliances, and wireless telegraphy installation) applicable to such steamship under this Act, cause a certificate, to be called a Safety Certificate or a Qualified Safety Certificate as the case may be, to be prepared and delivered through such officer as the Governor-General in Council may appoint in this behalf to the owner or master of the steamship.

Safety Certificates and Qualified Safety Certificates.

(*2*) The Safety Certificate shall be in the prescribed form and shall state that the steamship complies with the requirements of the International Convention for the Safety of Life at Sea, signed in London on the 31st day of May, 1929.

(*3*) The Qualified Safety Certificate shall be in the prescribed form and shall state in what respects the steamship complies with the requirements of the International Convention for the Safety of Life at Sea signed in London on the 31st day of May, 1929.

245D. (*1*) The owner or master of any British ship registered in British India which is not a passenger steamer but which is required by the provisions of section 242 to be provided with a wireless telegraphy installation and which is intended to ply on voyages from or to any place in British India to or from any place outside British India shall, if the Governor-General in Council is satisfied that the ship complies with all the provisions as to wireless telegraphy applicable to such ship under this Part, receive a certificate to be called a Safety Radio-telegraphy Certificate, to be prepared and delivered through such officer as the Governor-General in Council may appoint in this behalf.

Safety Radio-telegraphy Certificate.

(*2*) The Safety Radio-telegraphy Certificate shall be in the prescribed form and shall state that the ship complies in respect of wireless telegraphy installation with the requirements of the International Convention for the Safety of Life at Sea, signed in London on the 31st day of May, 1929.

245E. The owner or master of any British ship registered in British India which is intended to ply on voyages from or to any place in British India to or from any place outside British India and in regard to which the Governor-General in Council has made a declaration under section 126 or an order of exemption under the proviso to sub-section (*1*) of section 242 shall on application to the officer appointed in this behalf by the Governor-General in Council receive from such officer a certificate in the prescribed form to be called an Exemption Certificate.

Exemption Certificate.

245F. (*1*) A Safety Certificate, Qualified Safety Certificate, Safety Radio-telegraphy Certificate or Exemption Certificate issued under the provisions of section 245C, 245D or 245E, shall not remain in force for more than one year from the date of its issue, nor after notice is given by the authority issuing it to the owner or master of the ship in respect of which it has been issued, that that authority has cancelled the certificate.

Duration of Certificates.

(*2*) If the ship in respect of which any such certificate has been issued is absent from British India at the date when the certificate expires, the authority issuing the certificate, or any person authorised by that authority for the purpose, may, if it appears proper and reasonable so to do, grant such extension of the certificate as will allow the ship to return to British India, but no such extension shall have effect for more than five months from the said date.

(*3*) If the ship in respect of which a Safety Certificate issued under section 245C is in force has on board in the course of a particular voyage a total number of persons less than the number stated in the certificate to be the number for which the life-saving appliances on the ship provide, the owner or master of the ship may obtain from the authority issuing the certificate, or any person authorised by that authority for the purpose, a memorandum to be attached to the certificate stating the total number of persons carried on the ship on that voyage, and the modifications which may be made for the purpose of that voyage in the particulars with respect to life-saving appliances stated in the certificate.

245G. (*1*) The Governor-General in Council may, at the request of the Government of a country to which the International Convention for the Safety of Life at Sea, 1929, applies, cause a Safety Certifi-

Issue of Certificates to ships of foreign countries.

cate or Safety Radio-telegraphy Certificate to be issued in respect of a ship of that country if he is satisfied in like manner as in the case of a British ship registered in British India that such a certificate can properly be issued, and, where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

(*2*) With a view to determining the validity in British India of certificates purporting to have been issued in accordance with the International Convention for the Safety of Life at Sea, 1929, in respect of ships not registered in British India, the Governor-General in Council shall make such rules as appear to him to be necessary, and for the purpose of the provisions of this Act the expression 'a valid Safety Convention Certificate' means a certificate or certificates complying with such of those rules as are applicable in the circumstances.

(*3*) Where a valid Safety Convention Certificate is produced in respect of a passenger steamer not registered in British India and there is attached to the certificate a memorandum which—

(*a*) has been issued by or under the authority of the Government of the country to which the steamer belongs, and

(*b*) modifies for the purpose of any particular voyage, in view of the number of persons actually carried on that voyage, the particulars stated in the certificates with respect to life-saving appliances,

the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

Prohibition on proceeding to sea without certificate.

245H. (*1*) No British ship registered in British India being a passenger steamer shall proceed on a voyage from any place in British India to any place outside British India unless there is in force in respect of the ship either—

(*a*) a Safety Certificate issued under section 245C, or

(*b*) a Qualified Safety Certificate issued under section 245C and an Exemption Certificate issued under section 245E,

being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged.

(*2*) No sea-going British ship registered in British India being a ship of 1,600 tons gross tonnage or upwards other than a passenger steamer, shall proceed on a voyage from any place in British India to any place outside British India unless there is in force in respect of the ship—

(*a*) such certificate or certificates as would be required in her case by the provisions of sub-section (*1*) if she were a passenger steamer, or

(*b*) a Safety Radio-telegraphy Certificate issued under section 245D, or

(*c*) an Exemption Certificate, issued under section 245E, relating to the wireless telegraphy equipment,

being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged.

(*3*) If any ship to which this section applies proceeds, or attempts to proceed, to sea in contravention of this section—

(*a*) in the case of a ship being a passenger steamer, the master or owner of the steamer shall, without prejudice to any other remedy or penalty under this Act, be liable for each offence to a fine which may extend to one hundred rupees for every passenger carried on board the steamship; and

(*b*) in the case of a ship not being a passenger steamer, the master or owner of the ship shall for each offence be liable to a fine which may extend to one thousand rupees.

(*4*) The master of every ship to which this section applies shall produce to the officer of Customs from whom a port clearance for the ship is demanded the certificate or certificates required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and the port clearance shall not be granted and the ship may be detained until the said certificate or certificates are so produced.

(*5*) Where an Exemption Certificate issued under section 245E in respect of any ship to which this section applies specifies any conditions on which the certificate is issued and those conditions are contravened, the master or owner of the ship shall for each offence be liable to a fine which may extend to one thousand rupees.

Recognition of certificates issued outside British India.

245I. (*1*) Where there is produced in respect of any steamship not registered in British India a valid Safety Convention Certificate, such certificate shall be accepted as having the same force as the corresponding certificate issued in respect of a ship registered in British India by the Governor-General in Council.

(*2*) The master of every ship not registered in British India being a passenger steamer or being a ship of 1,600 tons gross tonnage or upwards belonging to a country to which the International Convention for the Safety of Life at Sea, 1929, applies, shall produce a valid Safety Convention Certificate to the officer of Customs from whom a clearance for the ship is demanded in respect of a voyage from a place in British India to a place outside British India, and a clearance shall not be granted and the ship may be detained until such a certificate is so produced.

(*3*) Where a valid Safety Convention Certificate is produced in respect of a passenger steamer not registered in British India the steamer shall not be deemed to be unsafe for the purposes of section 238 of this Act by reason of the defective condition of her hull,

equipments or machinery unless it appears that the steamer cannot proceed to sea without danger to the passengers or crew owing to the fact that the actual condition of the ship does not correspond substantially with the particulars stated in the certificate.

Power of Governor General in Council to make rules as to certificates.

245J. (*1*) The Governor-General in Council may, subject to the condition of previous publication, make rules to carry out the purposes of the provisions of this Part relating to Safety Certificates, Qualified Safety Certificates, Safety Radio-telegraphy Certificates and Exemption Certificates.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe the form of the certificates referred to in sub-sections (*2*) and (*3*) of section 245C, sub-section (*2*) of section 245D, and section 245E, the charging of fees for the grant of such certificates, the amount of such fees, and the manner in which they shall be recoverable.

(*3*) The Governor-General in Council may delegate to any person the functions assigned to the Governor-General in Council by sections 245C, 245D and 245G of granting a Safety Certificate, a Qualified Safety Certificate or a Safety Radio-telegraphy Certificate in respect of any ships or classes of ships.

Application of sectons 139, 139-A, 140 and 142 of Act to certificates.

245K. The provisions of sections 139, 139A, 140 and 142 of this Act shall apply to and in relation to every certificate issued by the Governor-General in Council under sections 245C, 245D and 245E in the same manner as they apply to and in relation to a certificate of survey.

Issue by foreign Government of certificate to ships registered in British India.

245L. The Governor-General in Council may request the Government of a country to which the International Convention for the Safety of Life at Sea, 1929, applies, to issue a Safety Certificate or a Sefety Radio-telegraphy Certificate in respect of a British ship registered in British India, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the Governor-General in Council.

Detention of foreign ships in cases not referred to in section 238.

245M. Where any foreign ship is detained under this Part in any case to which the provisions of section 238 do not apply, or where any proceedings are taken under this Part against the master or owner of any such ship, notice shall forthwith be served on the Consular officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and such notice shall specify the grounds on which the ship has been detained or the proceedings have been taken."

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Insertion of new Part V-A in Act XXI of 1923.

**34.** After Part V of the said Act the following Part and sections shall be inserted, namely:—

"PART VA.

NAVIGATION.

Method of giving helm orders.

245N. (*1*) No person on any British ship registered in British India shall when the ship is going ahead give a helm or steering order containing the word 'starboard' or 'right' or any equivalent of 'starboard' or 'right,' unless he intends that the head of the ship shall move to the right, or give a helm or steering order containing the word 'port' or 'left' or any equivalent of 'port' or 'left', unless he intends that the head of the ship shall move to the left.

(*2*) Any person who contravenes the provisions of this section shall for each offence be liable to a fine which may extend to five hundred rupees.

Duty to report dangers to navigation.

245O. (*1*) The master of any British ship registered in British India on meeting with dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation shall send information accordingly by all means of communication at his disposal and in accordance with such rules as the Governor-General in Council may make in this behalf to ships in the vicinity and to such authorities on shore as may be prescribed by these rules.

(*2*) If the master of a ship fails to comply with the provisions of this section, he shall be liable for each offence, to a fine which may extend to five hundred rupees.

(*3*) For the purposes of this section the expression 'tropical storm' means a hurricane, typhoon, cyclone or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such storm in the vicinity.

Obligation to render assistance on receiving signal of distress.

245P. (*1*) The master of a British ship registered in British India on receiving a signal of distress by wireless telegraphy from any other ship shall proceed with all speed to the assistance of the persons in distress, unless he is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary to do so, or unless he receives information that his assistance is no longer required.

(*2*) If the master is unable or in the special circumstances of the case considers it unreasonable or unnecessary to proceed to the assistance of the persons in distress, he shall forthwith send a message by wireless telegraphy informing the master of the ship in distress accordingly, and shall enter in the official log-book his reasons for not going to the assistance of those persons.

(*3*) Any master failing to comply with the provisions of sub-section (*1*) shall be liable to imprisonment for the term which may extend to six months, or to a fine which may extend to one thousand rupees, or to both.

(*4*) Any master failing to comply with the provisions of sub-section (*2*) shall be liable to a fine which may extend to one thousand rupees.

Power of Governor General in Council to make rules as to signals.

245Q. (1) The Governor-General in Council may, subject to the condition of previous publication, make rules prescribing—

(a) the manner of communicating information regarding dangers to navigation, and the authorities on shore to whom such information is to be communicated,

(b) the signals which shall be signals of distress and of urgency, respectively,

(c) the circumstances in which and the purposes for which any such signal is to be used, and the circumstances in which it is to be revoked, and

(d) the speed at which any message sent by wireless telegraphy in connection with such signal is to be transmitted.

(2) In making any rule under this section the Governor-General in Council may direct that the breach of it shall be punishable with fine which may extend to five hundred rupees."

MD. RAFI,
Offg. Secy. to the Govt. of India.

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GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 4th September, 1933:—

L. A. BILL NO. 40 OF 1933.

*A Bill to amend the Dangerous Drugs Act, 1930, for certain purposes.*

II of 1930. WHEREAS it is expedient to amend the Dangerous Drugs Act, 1930, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

**1.** This Act may be called the Dangerous Drugs (Amendment) Act, 1933.

Amendment of section 2, Act II of 1930.

**2.** In sub-clause (ii) of clause (g) of section 2 of the Dangerous Drugs Act, 1930, (hereinafter referred to as the said Act), after the words "Geneva Convention" the words "or in pursuance of any international convention supplementing the Geneva Convention" shall be inserted. II of 1930.

Amendment of section 4, Act II of 1930.

**3.** Section 4 of the said Act shall be numbered as sub-section (1) of section 4, and the following sub-section shall be added, namely:—

"(2) The Local Government may make rules restricting and regulating the manufacture and possession of prepared opium from opium which is lawfully possessed under clause (b) of sub-section (1)."

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STATEMENT OF OBJECTS AND REASONS.

As a result of the ratification of the International Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, the definition of "manufactured drugs" as given in the Dangerous Drugs Act, 1930, requires amplification. It is therefore proposed to amend section 2 (g) (ii) of the Act so as to provide for its being made to cover those drugs specified in Article I of the Convention which are not already covered by the sub-section.

2. The law, as it stands, contains a lacuna in that the method of manufacturing prepared opium remains unregulated and no restriction is imposed on the quantity of prepared opium that an individual may possess at any one time. It is therefore proposed to amend the Act so as to empower Local Governments to frame rules restricting and regulating the manufacture and possession of prepared opium from opium lawfully possessed under section 4 (b) of the Act.

SIMLA;
The 28th August, 1933.

GEORGE SCHUSTER.

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MD. RAFI,,
Offg. Secy. to the Govt. of India.

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GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Report of the Select Committee on the Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager was presented to the Legislative Assembly on the 7th September, 1933:—

WE, the undersigned, Members of the Select Committee to which the Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. *Clause 4.*—A considerable sum of money has been deposited in Court as compensation

for the acquisition of certain lands belonging to the estate. Section 32 of the Land Acquisition Act, 1894, forbids the payment of such sums to any one who, like the Nawab Bahadur, is only the holder of a life interest in the land acquired; and requires the Court either to purchase other land in place of the land acquired, or to invest the money in approved securities and direct the payment of the interest to the life interest holder for the time being. The Murshidabad Act, 1891, which entitles the Secretary of State to enter upon the estate, makes no clear provision whereunder the Secretary of State or the Manager may assume possession and management of this sum of money. We have accordingly added a "*fourthly*" in this clause which will entitle the Manager to assume control.

*Clause 14.*—We have added a sub-clause giving priority (after the claims mentioned in clause 7) to—

(*a*) arrears of wages due to servants of the Nawab Bahadur, and

(*b*) small debts not exceeding Rs. 500, which are mostly due to tradesmen and shopkeepers.

We have also provided for an annual ratable distribution of residues, so that none of the remaining creditors will be prejudiced by being postponed to any others.

*Clauses 11, 12, 14, 19 and 22.*—We have made small drafting changes and corrections in these clauses.

3. The Bill was published in the *Gazette of India*, dated the 1st October, 1932.

4. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

B. B. GHOSE.
B. J. GLANCY.
SATISH CH. SEN.
*S. C. MITRA.
L. GRAHAM.
*MOHD. AZHAR ALI.
*GAYA PRASAD SINGH.
*R. S. SARMA.
SHER MOHD. KHAN.
*A. SUHRAWARDY.
*K. C. NEOGY.
*G. MORGAN.

SIMLA;

The 6th September, 1933.

*Subject to a minute.

MINUTES.

A number of creditors of the Nawab Bahadur have obtained decrees in the highest judicial courts. We feel sure that these decrees will not be lightly re-opened by the Manager under the powers which this Bill confers on him, but will be accepted as *prima facie* proof of the respective debts.

K. C. NEOGY.
R. S. SARMA.
S. C. MITRA.
GAYA PRASAD SINGH.
G. MORGAN.
A. SUHRAWARDY.

"I agree with the former portion, *i.e.*, from "A large number of creditors" to confers on him," in the minute of Messrs. Neogy, Sarma and others.

MOHD. AZHAR ALI.

L. A. BILL NO. 44 OF 1932.

[AS AMENDED BY THE SELECT COMMITTEE.]

(Words printed in italics indicate the amendments suggested by the Committee.)

## MURSHIDABAD ESTATE ADMINISTRATION BILL.

CONTENTS.

Clause.

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*A Bill to provide for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and to define the powers and duties of the Manager.*

XV of 1891. WHEREAS the Murshidabad Act, 1891, confirming and giving effect to an Indenture between the Secretary of State and the Nawab Bahadur of Murshidabad Amir-ul-Omrah, provides that in case the said Nawab Bahadur or any of his lineal heirs male successors to the titles shall contravene any of the terms of the said Indenture or shall disable himself from duly maintaining the dignity of his position and station it shall be lawful for the Secretary of State for the time being to enter into and upon the immoveable properties mentioned in the Indenture and to exercise certain powers therein specified in the manner therein set forth;

AND WHEREAS it is expedient to make further provision for the due exercise of these powers by the Secretary of State by the appointment of a Manager who shall on behalf of the Secretary of State exercise the powers aforesaid, and by defining the duties and powers of such Manager, and the manner in which the rents, issues and profits of the immoveable properties of the estate and the monthly sum of Rs. 19,166-10-8 payable from the Government Treasury at Berhampur in the district of Murshidabad in Bengal shall be applied;

AND WHEREAS it is further expedient to afford to the Nawab Bahadur protection against the disabilities to which he is exposed by reason of his embarrassed circumstances and to prevent further increase in his debts and to provide means for such repayments to his creditors as are compatible with the payment to the Nawab Bahadur of a sum sufficient for the maintenance of his position and dignity;

It is hereby enacted as follows:—

Short title and extent.

**1.** (*1*) This Act may be called the Murshidabad Estate Administration Act, 1933.

(*2*) It extends to the whole of British India inclusive of British Baluchistan and the Sonthal Parganas.

Definitions.

**2.** In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "immoveable properties of the estate" means the properties contained in the Schedules of immoveable property annexed to the Indenture included in and confirmed by the Murshidabad Act, 1891, with any additional immoveable property added thereto under sub-section (*1*) of section 3 of that Act, and includes all immoveable property acquired under the provisions of section 32 of the Land Acquisition Act, 1894; XV of 1891. I of 1894.

(*2*) "issues and profits of the immoveable properties of the estate" includes all money awarded under the Land Acquisition Act, 1894, as compensation for the acquisition of any of the immoveable properties of the estate together with interest thereon; I of 1894.

(*3*) "Manager" means the officer appointed under section 3;

(*4*) "Nawab Bahadur" means the Nawab Bahadur of Murshidabad for the time being;

(*5*) "Local Government" means the Government of Bengal;

(*6*) "Board of Revenue" means the Board of Revenue, Bengal;

(*7*) "prescribed" means provided for by this Act or by rules made under section 28.

Appointment of Manager.

**3.** The Local Government may, at any time after the Secretary of State has entered upon the immoveable properties of the estate in accordance with the provisions of the Murshidabad Act, 1891, by an order published in the *Calcutta Gazette* appoint an officer for the management on behalf of the Secretary of State of the whole or any portion of these properties and of the rents, issues and profits thereof and for the reception and application of the monthly sum of Rs. 19,166-10-8 payable from the Government Treasury at Berhampore in the district of Murshidabad in Bengal: XV of 1891.

Provided that the management shall cease from such date as may be notified by the Local Government in the *Calcutta Gazette* as the date of withdrawal by the Secretary of State from entry upon the immoveable properties of the estate:

Provided also that in the event of the death of a Nawab Bahadur the management shall not continue for more than sixty days after the date of his death.

Effect of order under section 3.

**4.** On the publication of an order for the appointment of a Manager under section 3, the following consequences shall ensue:—

*first*, all proceedings which may then be pending in any Civil Court in respect of any debts or liabilities to which the Nawab Bahadur may be subject shall be barred, and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void;

*secondly*, so long as such management continues, no suit or proceedings shall lie against the Nawab Bahadur, or the Secretary of State, or the Manager, in respect of any debt or liability to which the Nawab Bahadur is subject, nor shall the Nawab Bahadur be liable to arrest for or in respect of the debts and liabilities to which he was at the time of such publication subject or in execution of any decree obtained before such publication nor shall his moveable property be liable to attachment or sale, under process of any Court for or in respect of such debts and liabilities;*

*thirdly*, so long as such management continues—

(*a*) the Nawab Bahadur shall be incompetent to mortgage, charge, lease, settle or alienate the immoveable properties of the estate, or to grant valid receipts for the rents and profits arising or accruing therefrom;

(*b*) such property shall be exempt from attachment or sale under process of any Court; and

(*c*) the Nawab Bahadur shall be incapable of entering into any contract which may involve him in pecuniary liability: *and*

*fourthly, any amount awarded, before the entry of the Secretary of State upon the immoveable properties of the Estate, under the Land Acquisition Act, 1894, by way of compensation for immoveable properties of the Estate acquired under that Act, if the amount has been invested in securities under section 32 of that Act or is deposited in court pending such investment in land or securities, shall, together with all interest and other proceeds thereof not already paid to any person under the provision of any law, be deliverable to the Manager on behalf of the Secretary of State to be disposed of in such manner as the Secretary of State may think fit.*

Suits and appeals during management.

**5.** So long as the appointment of the Manager continues—

(*1*) in every suit or appeal to which the Secretary of State in possession is a party the Manager shall be named as his representative for the purpose of such suit or appeal;

(*2*) in every pending suit or appeal concerning the properties under management the Secretary of State in possession shall be a party in place of the Nawab Bahadur and the Manager shall be named as the representative of the Secretary of State in possession for the purpose of the suit or appeal; and no application in any such suit or appeal shall be made to the Court on behalf of the Secretary of State in possession except by the Manager;

(*3*) the Court upon application by the Manager or by any party to the suit may order that the plaint or memorandum of appeal be amended so as to conform with the requirements of clause (*1*) or that the Manager be named as the representative of the Secretary of State in possession as required by clause (*2*) of this section.

Manager to receive rents, issues and profits.

**6.** (*1*) The Manager shall receive and recover all rents, issues and profits due in respect of the immoveable properties of the estate, and shall upon receiving such rents, issues and profits give receipts therefor.

(*2*) The Manager shall receive the monthly sum of Rs. 19,166-10-8 payable from the Government Treasury at Berhampore in the district of Murshidabad in Bengal and shall give receipts therefor.

Application by Manager of sums received.

**7.** (*1*) From the sums received under sub-sections (*1*) and (*2*) of section 6, the Manager shall pay—

*first*, to the Nawab Bahadur such monthly sum, not being in any case less than Rs. 9,583-5-4, as the Local Government may fix in this behalf;

*secondly*, the Government revenue, cesses, rates and taxes and all debts and liabilities for the time being due or incurred to Government or to any local authority;

*thirdly*, in the case of property held by the Nawab Bahadur as tenant, the rent and cess due to the superior landlord in respect of the said property;

*fourthly*, the cost of such repairs and improvements of the immoveable properties of the estate as appear necessary to the Manager and are approved by the Board of Revenue.

and shall apply the residue to the discharge of the costs of the management, to the payment of expenditure incurred in litigation and to the settlement in accordance with the scheme approved by the Board of Revenue under section 14 of such debts and liabilities of the Nawab Bahadur as may be established under the provisions of this Act.

(*2*) Notwithstanding anything contained in sub-section (*1*), it shall be lawful for the Manager to pay out of the sums received under sub-sections (*1*) and (*2*) of section 6 any sum

required to meet such expenditure on any other object or for any other purpose as the Secretary of State may from time to time sanction.

Notice to claimants.

**8.** As soon as may be after the publication of the order for the appointment of a Manager under section 3 the Manager shall publish in the prescribed manner a notice in English and Bengali calling upon all persons having claims against the Nawab Bahadur to notify such claims in writing to the Manager within six months from the date of the notice.

Presentation of claims.

**9.** Every such claimant shall, along with his claim, present to the Manager full particulars thereof, together with all documents on which he relies in support thereof, and the Manager may refuse to receive in evidence on the claimant's behalf at the investigation of the claim any document not so presented.

Debt not duly notified to be barred.

**10.** Every debt or liability, except debts due or liabilities incurred to Government or to any local authority and rent due to a superior landlord from the Nawab Bahadur as tenant of any property, which is not duly notified to the Manager within the time and in the manner mentioned in sections 8 and 9 shall be barred:

Provided that if the Manager is satisfied that the claimant was for reasonable cause unable to comply with the provisions of sections 8 and 9, the Manager may admit his claim within the further period of six months from the expiration of the period of six months specified in section 8.

Determination of debts.

**11.** The Manager shall in the prescribed manner determine the amount of the principal of all debts and liabilities not barred under section 10 justly due to the several creditors of the Nawab Bahadur and to persons holding mortgages, charges or liens on the property of the Nawab Bahadur, and shall determine in like manner the interest, if any, due at the date of such determination in respect of such debts and liabilities and may reduce the rates of interest charged as appears to him just and proper.

Power to inquire into consideration for leases, etc.

**12.** The Manager may inquire into the sufficiency of the consideration for which any lease, settlement, grant, mortgage, charge or lien was given and whether it was given in contravention of the conditions of the Murshidabad Act, 1891, and if satisfied that the consideration was insufficient or that such lease, settlement, grant, mortgage, charge or lien was given in contravention of the said Act may, by order in writing, set aside or *modify* such lease, settlement, grant, mortgage, charge or lien; and any such order, subject to the appeal provided in section 13, shall have the force of a decree of a competent Civil Court and be enforceable as such.

XV of 1891

Appeals to Board of Revenue.

**13.** (*1*) An appeal shall lie to the Board of Revenue against any order by the Manager—

(*a*) refusing to receive a document under section 9; or

(*b*) refusing to admit a claim under the proviso to section 10; or

(*c*) determining the amount of a debt or liability or of interest thereon, or reducing the rate of interest, under section 11; or

(*d*) setting aside or *modifying* a lease, settlement, grant, mortgage, charge or lien under section 12.

(*2*) If no such appeal is preferred within six weeks from the date of the order, the decision of the Manager shall, subject to the provisions of section 22, be final.

Scheme for settlement of debts.

**14.** (*1*) When the amount due in respect of the debts and liabilities mentioned in section 11 has been finally determined, the Manager shall prepare and submit to the Board of Revenue a schedule of such debts and liabilities, and a scheme for the settlement thereof in whole or in part out of the residue referred to in section 7 annually available during the lifetime of the Nawab Bahadur; and the Board of Revenue *may approve the scheme without modification or subject to such modification as it deems expedient.*

(*2*) *The scheme shall provide for payment in full, as soon as may be, of—*

(*a*) *first, arrears of wages due to servants of the Nawab Bahadur, determined in accordance with the foregoing provisions, and*

(*b*) *secondly, claims of each creditor whose claims in the aggregate do not exceed five hundred rupees, as so determined;*

*and the scheme shall further provide that any balance left after meeting the above claims and each annual residue thereafter shall be distributed ratably among the other creditors of the Nawab Bahadur in payment of their claims, as so determined.*

Power to call for further particulars.

**15.** The Manager may from time to time call for further and more detailed particulars of any claim preferred before him under this Act and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

Power to summon witnesses.

**16.** The Manager may for the purpose of any investigation under this Act summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means and as far as possible in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908. V of 1908.

Investigation to be deemed a judicial proceeding.

**17.** Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with such

claim, shall be deemed to be a judicial proceeding within the meaning of the Indian Penal Code; and every statement made by any person examined by or before the Manager with reference to any such investigation, whether upon oath or otherwise, shall be deemed to be evidence within the meaning of the said Code.

XLV of 1860.

Power to order production of accounts, papers, etc., and evidence of title.

**18.** (*1*) The Collector of Murshidabad may on the application of the Manager order all persons who are or were in the employ of the estate of the Nawab Bahadur to attend before him; and may order any person to deliver up any accounts, papers or moveable property belonging to the estate or any accounts or papers relating to the immoveable property of the estate or to any other property of the estate which the Manager has reason to believe are in such person's possession or control; and may order all holders of tenures or under-tenures on any such property to produce their titles to such tenures or under-tenures.

(*2*) Any person who refuses to comply with an order under sub-section (*1*) may be punished by the Collector of Murshidabad with fine not exceeding five hundred rupees:

Provided that an appeal shall lie to the Board of Revenue against any order of fine passed by the Collector under sub-section (*2*).

Powers of Manager for realisation of rents, etc

**19.** (*1*) The Manager shall have, for the purpose of realising and recovering the rents, issues and profits of the immoveable properties of the estate, the same powers as the Nawab Bahadur would have had for such purpose had the Secretary of State not entered into the said properties, and all arrears of rent and all demands recoverable as rent, and all interest due on such arrears or demands shall together with all costs incurred for realising the same be recoverable as public demands.

(*3*) If such properties or any part thereof be in the possession of any mortgage or conditional vendee, the Manager may apply to the Collector within whose jurisdiction the property is situated, and the Collector shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour, but without prejudice to the mortgagee or vendee preferring his claim under the provisions elsewhere contained in this Act.

(*3*) If such properties or any part thereof be in possession of a Receiver appointed by a Court, the Manager may apply to the Court, and the Court shall cause the same to be delivered to the Manager together with any receipts which may be in the hands of the Receiver or the Court at the time of the application.

Power to lease.

**20.** The Manager may, subject to the prescribed conditions, make settlement of all or any of the immoveable properties of the estate and may for this purpose execute any lease or counterpart of a lease:

Provided that, unless the settlement is of a kind authorised by rule made under section 28, its terms and conditions shall have been previously approved by the Local Government.

Power of Manager to contract and take action for the benefit of the estate.

**21.** The Manager may enter into any contract or take any action which in his opinion is necessary for the proper care and management of the immoveable properties of the estate and of the rents, issues and profits thereof or for the maintenance of the position and dignity of the Nawab Bahadur and which is not inconsistent with any provision of this Act or with any rule made under section 28:

Provided that if he is not empowered by any other provision of this Act or by any rule made under section 28 to enter on such contract or to take such action he shall obtain the previous sanction of the Board of Revenue before entering upon the contract or taking the action.

Powers of supervision and control.

**22.** (*1*) All orders or proceedings of the Manager in the exercise of his functions under this Act shall be subject to the supervision and control of the Board of Revenue.

(*2*) All orders or proceedings of the Board of Revenue under this Act shall be subject to the supervision and control of the Local Government.

(*3*) The supervising authority in each case may of its own motion review and if it thinks fit revise, modifiy or reverse any order or proceeding.

Manager to be deemed a public servants.

**23.** The Manager shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV

Recovery of fines.

**24.** Any fine imposed under this Act shall be recoverable as a public demand.

Bar of suits, etc., against certain persons.

**25.** No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

Power of Local Government to make orders.

**26.** If at the time of the withdrawal of the Secretary of State from entry upon the immoveable properties of the estate, any difficulty arises in connection with the restoration to the Nawab Bahadur or to his successor of the properties and rights possessed and exercised by the Secretary of State, the Local Government may by order authorise the doing of any matter or thing which appears to it necessary to facilitate such restoration.

Effect of withdrawal from entry by Secretary of State.

**27.** Notwithstanding anything contained elsewhere in this or any other Act, the withdrawal by the Secretary of State from entry upon the immoveable properties of the estate shall not have the effect of reviving any of the proceedings referred to in clause *first* of section 4 if the debt or liability in respect of which such proceed-

ings were instituted is barred under section 10.

Nothing in section 4 shall bar the revival after such withdrawal of any other of the proceedings referred to in the said clause:

Provided that no Court shall entertain any suit or proceedings against the Nawab Bahadur in which the amount claimed is in excess of the amount determined under section 11, 13 or 22 as the case may be, together with any further interest due thereon, or in which interest is claimed at a rate higher than the rate determined as just and proper under those sections.

Power to make rules.

**28.** (*1*) The Board of Revenue may, with the previous sanction of the Local Government, make rules for the purpose of carrying into effect all or any of the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(*a*) the security to be required from subordinate officers under this Act;

(*b*) the procedure to be followed by the Manager in the discharge of his functions under this Act, the accounts which shall be kept by him, and the manner in which such accounts shall be audited;

(*c*) the terms, conditions and limitations under which leases may be granted;

(*d*) the notices to be given under this Act and the manner of publication of such notices;

(*e*) the procedure to be followed by claimants in presenting claims, and by the Manager in the investigation of such claims;

(*f*) the procedure to be followed in determining under section 11 the debts and liabilities due to creditors and other persons;

(*g*) the allowance of interest on the principal of each of the debts and liabilities as determined under section 11 from the date on which it was incurred to the date of the determination and on the aggregate amount of such debts and liabilities from the date of the determination to the date of payment;

(*h*) the preparation of the Schedule of debts and liabilities and of the scheme referred to in section 14 and the order of payment of such debts and liabilities;

(*i*) the powers of the Manager to make or sanction settlements; and

(*j*) the procedure to be followed in appeals under this Act.

MD. RAFI,
Offg. Secy. to the Govt. of India.

Registered No.L. 864.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, OCTOBER 6, 1933.

## PART IV.

### Acts of the Indian Legislature assented to by the Governor-General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor-General on the 9th September, 1933, and is hereby promulgated for general information:—

ACT No. XV OF 1933.

*An Act further to amend the Workmen's Compensation Act, 1923.*

of 1923. WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1923; It is hereby enacted as follows:—

Short title and commencement.

**1.** (*1*) This Act may be called the Workmen's Compensation (Amendment) Act, 1933.

(*2*) It shall come into force on the 1st day of January, 1934; but sections 2, 3, 4, 5, 21, 22 and 23 shall not have effect until the 1st day of July, 1934, and shall have effect thereafter only in respect of compensation payable on account of an injury caused to a workman by an accident occurring on or after the 1st day of July, 1934.

Amendment of section 2, Act VIII of 1923.

**2.** In section 2 of the Workmen's Compensation Act, 1923 (hereinafter referred to as the said Act),— VIII of

(*a*) in sub-section (*1*),—

(*i*) for clause (*d*) the following shall be substituted, namely:—

"(*d*) 'dependant' means any cf the following relatives of a deceased workman, namely:—

(*i*) a wife, a minor legitimate son, and unmarried legitimate daughter, or a widowed mother; and

(*ii*) if wholly or in part dependent on the earnings of the workman at the time of his death, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent,"

(ii) clause (j) shall be omitted,

(iii) in clause (k), the word "registered" shall be omitted, and for the words "any such" the word "the" shall be substituted, and

(iv) in sub-clause (ii) of clause (n), the words ", either by way of manual labour or" shall be omitted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The Governor-General in Council, after giving, by notification in the Gazette of India, not less than three months' notice of his intention so to do, may, by a like notification, add to Schedule II any class of persons employed in any occupation which he is satisfied is a hazardous occupation, and the provisions of this Act shall thereupon apply to such classes of persons:

Provided that in making such addition the Governor-General in Council may direct that the provisions of this Act shall apply to such classes of persons in respect of specified injuries only."

Amendment of section 3, Act VIII of 1923.

**3.** In section 3 of the said Act,—

(a) in sub-section (1),—

(i) in proviso (a), for the word "ten" the word "seven" shall be substituted, and

(ii) in proviso (b), for the words "injury to a workman resulting from" the words "injury, not resulting in death, caused by" shall be substituted; and

(b) in sub-section (4), the words "solely and" shall be omitted.

Amendment of section 4, Act VIII of 1923.

**4.** For sub-section (1) of section 4 of the said Act, the following sub-section shall be substituted, namely:—

Amount of compensation.

"(1) Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:—

A. Where death results from the injury—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the second column thereof, and

(ii) in the case of a minor—two hundred rupees;

B. Where permanent total disablement results from the injury—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the third column thereof, and

(ii) in the case of a minor—twelve hundred rupees;

C. Where permanent partial disablement results from the injury—

(i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(ii) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury;

*Explanation.*—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries;

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day after the expiry of a waiting period of seven days from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter,—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—of the sum shown against such limits in the fourth column thereof, and

(ii) in the case of a minor—of one-half of his monthly wages, subject to a maximum of thirty rupees:

Provided that—

(a) there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be: and

(b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident."

Amendment of section 5, Act VIII of 1923.

**5.** In section 5 of the said Act,—

(a) in sub-section (1),—

(i) for the word and figure "section 4" the words "this Act" shall be substituted,

(ii) after clause (a) the following clause shall be inserted, namely:—

"(b) where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the workman shall be deemed to be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman employed on the same work by the same employer, or, if there was no workman so employed, by a workman employed on similar work in the same locality:",

(iii) clause (b) shall be re-lettered as clause (c), and

(iv) the proviso shall be omitted; and

(b) sub-section (2) shall be omitted.

6. In section 8 of the said Act,—

Amendment of section 8, Act VIII of 1923.

(a) for the proviso to sub-section (1) the following shall be substituted, namely:—

"Provided that, in the case of a deceased workman, an employer may make to any dependant advances on account of compensation not exceeding an aggregate of one hundred rupees, and so much of such aggregate as does not exceed the compensation payable to that dependant shall be deducted by the Commissioner from such compensation and repaid to the employer,"; and

(b) in sub-section (4),—

(i) for the words "may deduct" the words "shall deduct" shall be substituted, and

(ii) for the words "fifty rupees or so much of that cost or of fifty rupees, whichever is less, as has not already been advanced by the employer on account of such expenses" the words "twenty-five rupees" shall be substituted.

7. In section 10 of the said Act,—

Amendment of section 10, Act VIII of 1923.

(a) in sub-section (1), after the first proviso the following proviso shall be inserted, namely:—

"Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the maintenance of proceedings—

(a) if the claim is made in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or

(b) if the employer had knowledge of the accident from any other source at or about the time when it occurred:"; and

(b) for sub-section (3) the following sub-sections shall be substituted, namely:—

"(3) The Local Government may require that any prescribed class of employers shall maintain at their premises at which workmen are employed a notice book, in the prescribed form, which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting *bona fide* on his behalf.

(4) A notice under this section may be served by delivering it at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served, or, where a notice book is maintained, by entry in the notice book."

8. After section 10 of the said Act the following sections shall be inserted, namely:—

Insertion of new sections 10-A and 10-B in Act VIII of 1923.

"10A. (1) Where a Commissioner receives information from any source that a workman has died as a result of an accident arising out of and in the course of his employment, he may send by registered post a notice to the workman's employer requiring him to submit, within thirty days of the service of the notice, a statement, in the prescribed form, giving the circumstances attending the death of the workman, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death.

Power to require from employers statements regarding fatal accidents.

(2) If the employer is of opinion that he is liable to deposit compensation, he shall make the deposit within thirty days of the service of the notice.

(3) If the employer is of opinion that he is not liable to deposit compensation, he shall in his statement indicate the grounds on which he disclaims liability.

(4) Where the employer has so disclaimed liability, the Commissioner, after such inquiry as he may think fit, may inform any of the dependants of the deceased workman that it is open to the dependants to prefer a claim for compensation, and may give them such other further information as he may think fit.

Reports of fatal accidents.

10B. (*1*) Where, by any law for the time being in force, notice is required to be given to any authority, by or on behalf of an employer, of any accident occurring on his premises which results in death, the person required to give the notice shall, within seven days of the death, send a report to the Commissioner giving the circumstances attending the death:

Provided that where the Local Government has so prescribed the person required to give the notice may instead of sending such report to the Commissioner send it to the authority to whom he is required to give the notice.

(*2*) The Local Government may, by notification in the local official Gazette, extend the provisions of sub-section (*1*) to any class of premises other than those coming within the scope of that sub-section, and may, by such notification, specify the persons who shall send the report to the Commissioner."

Amendment of section 12, Act VIII of 1923.

**9.** In sub-section (*2*) of section 12 of the said Act, after the words "the contractor" the words ", or any other person from whom the workman could have recovered compensation and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this section he shall be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the workman could have recovered compensation" shall be inserted.

Amendment of section 15, Act VIII of 1923.

**10.** In section 15 of the said Act, the word "registered" shall be omitted.

Insertion of new section 18-A in Act VIII of 1923.

**11.** In Chapter II and after section 18 of the said Act, the following section shall be inserted, namely:—

Penalties.

"18A. (*1*) Whoever—

(*a*) fails to maintain a notice-book which he is required to maintain under sub-section (*3*) of section 10, or

(*b*) fails to send to the Commissioner a statement which he is required to send under sub-section (*1*) of section 10A, or

(*c*) fails to send a report which he is required to send under section 10 B, or

(*d*) fails to make a return which he is required to make under section 16,

shall be punishable with fine which may extend to one hundred rupees.

(*2*) No prosecution under this section shall be instituted except by or with the previous sanction of a Commissioner, and no Court shall take cognizance of any offence under this section, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed."

Amendment of section 19, Act VIII of 1923.

**12.** In sub-section (*1*) of section 19 of the said Act, for the words "the Commissioner" the words "a Commissioner" shall be substituted.

Amendment of section 20, Act VIII of 1923.

**13.** In section 20 of the said Act,—

(*a*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*2*) Where more than one Commissioner has been appointed for any local area, the Local Government may, by general or special order, regulate the distribution of business between them"; and

(*b*) sub-sections (*2*) and (*3*) shall be renumbered as sub-sections (*3*) and (*4*).

Amendment of section 21, Act VIII of 1923.

**14.** In section 21 of the said Act,—

(*a*) in sub-section (*1*), for the words "the Commissioner", in both places where they occur, the words "a Commissioner" shall be substituted, and in the proviso the word "registered" shall be omitted, and

(*b*) after sub-section (*4*) the following sub-section shall be inserted, namely:—

"(*5*) The Local Government may transfer any matter from any Commissioner appointed by it to any other Commissioner appointed by it."

Amendment of section 22, Act VIII of 1923.

In section 22 of the said Act,—

(*a*) in sub-section (*1*), after the word "Commissioner", the words ", other than an application by a dependant or dependants for compensation" shall be inserted; and

(*b*) in sub-section (*2*),—

(*i*) for the words "Where any such question has arisen, the application" the words "An application to a Commissioner" shall be substituted, and

(*ii*) in clause (*d*), after the brackets and letter "(*d*)", the words "except in the case of an application by dependants for compensation," shall be inserted.

Insertion of new section 22-A in Act VIII of 1923.

**16.** After section 22 of the said Act, the following section shall be inserted, namely:—

Power of Commissioner to require further deposit in cases of fatal accident.

"22A. (*1*) Where any sum has been deposited by an employer as compensation payable in respect of a workman whose injury has resulted in death, and in the opinion of the Commissioner such sum is insufficient, the Commissioner may, by notice in writ-

ing stating his reasons, call upon the employer to show cause why he should not make a further deposit within such time as may be stated in the notice.

(2) If the employer fails to show cause to the satisfaction of the Commissioner, the Commissioner may make an award determining the total amount payable, and requiring the employer to deposit the deficiency."

Amendment of section 30, Act VIII of 1923.

**17.** To sub-section (*1*) of section 30 of the said Act, after the existing provisos, the following further proviso shall be added, namely:—

"Provided further that no appeal by an employer under clause (*a*) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against."

Insertion of new section 30-A in Act VIII of 1923.

**18.** After section 30 of the said Act the following section shall be inserted, namely:—

Withholding of certain payments pending decision of appeal.

"30A. Where an employer makes an appeal under clause (*a*) of sub-section (*1*) of section 30, the Commissioner may, and if so directed by the High Court shall, pending the decision of the appeal, withhold payment of any sum in deposit with him."

Amendment of section 33, Act VIII of 1923.

**19.** In section 33 of the said Act,—

(*i*) in clause (*c*), the word "and", in the second place where it occurs, shall be omitted;

(*ii*) after clause (*c*) the following clauses shall be inserted, namely:—

"(*d*) for prescribing the classes of employers who shall maintain notice-books under sub-section (*3*) of section 10, and the form of such notice-books;

(*e*) for prescribing the form of statement to be submitted by employers under section 10A;

(*f*) for prescribing the cases in which the report referred to in section 10B may be sent to an authority other than the Commissioner; and"; and

(*iii*) clause (*d*) shall be re-lettered as clause (*g*).

Insertion of new section 35 in Act VIII of 1923.

**20.** After section 34 of the said Act, the following section shall be inserted, namely:—

Rules to give effect to arrangements with other countries for the transfer of money paid as compensation.

"35. The Governor-General in Council may, by notification in the Gazette of India make rules for the transfer to any part of His Majesty's Dominions or to any other country of money paid to a Commissioner under this Act for the benefit of any person residing or about to reside in such part or country and for the receipt and administration in British India of any money awarded under the law relating to workmen's compensation in any part of His Majesty's Dominions or in any other country, and applicable for the benefit of any person residing or about to reside in British India."

Amendment of Schedule II, Act VIII of 1923.

**12.** In Schedule II to the said Act, for clauses (*i*) to (*xiii*), the following clauses and Explanation shall be substituted, namely:—

"(*i*) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of mechanically propelled vehicles; or

(*ii*) employed, otherwise than in a clerical capacity, in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been employed in any manufacturing process, as defined in clause (*4*) of section 2 of the Indian Factories Act, 1911, or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made, and steam, water or other mechanical power or electrical power is used; or XII of 1911.

(*iii*) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, fifty or more persons have been so employed; or

(*iv*) employed in the manufacture or handling of explosives in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been so employed; or

(*v*) employed, in any mine as defined in clause (*f*) of section 3 of the Indian Mines Act, 1923, in any mining operation, or in any kind of work, other than clerical work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground: IV of 1923.

Provided that any excavation in which on no day of the preceding twelve months more than fifty persons have been employed or explosives have been used, and whose depth from its highest to its lowest point does not exceed twenty feet shall be deemed not to be a mine for the purpose of this clause; or

(*vi*) employed as the master or as a seaman of—

(*a*) any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled, or

(*b*) any ship not included in sub-clause (*a*) of fifty tons net tonnage or over; or

(*vii*) employed for the purpose of loading, unloading, fuelling, constructing, repairing, demolishing, cleaning, or painting any ship of which he is not the master or a member of the crew, or in the handling or transport within the limits of any port subject to
of 1908. the Indian Ports Act, 1908, of goods which have been discharged from or are to be loaded into any vessel; or

(*viii*) employed in the construction, repair or demolition of—

(*a*) any building which is designed to be or is or has been more than one storey in height above the ground or twenty feet or more from the ground level to the apex of the roof, or

(*b*) any dam or embankment which is twenty feet or more in height from its lowest to its highest point, or

(*c*) any road, bridge, or tunnel; or

(*d*) any warf, quay, sea-wall or other marine work including any moorings of ships; or

(*ix*) employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any over-head electric line or cable or post or standard for the same; or

(*x*) employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal, pipe-line or sewer; or

(*xi*) employed in the service of any fire brigade; or

(*xii*) employed upon a railway as defined in clause (*4*) of section 3, and sub-
of 1890. tion (*1*) of section 148 of the Indian Railways Act, 1890, either directly or through a sub-contractor, by a person fulfilling a contract with the railway administration; or

(*xiii*) employed as an inspector, mail guard, sorted or van peon in the Railway Mail Service, or employed in any occupation ordinarily involving outdoor work in the Indian Posts and Telegraphs Department; or

(*xiv*) employed, otherwise than in a clerical capacity, in connection with operations for winning natural petroleum or natural gas; or

(*xv*) employed in any occupation involving blasting operations; or

(*xvi*) employed in the making of any excavation in which on any one day of the preceding twelve months more than fifty persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds twenty feet; or

(*xvii*) employed in the operation of any ferry boat capable of carrying more than ten persons; or

(*xviii*) employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been so employed; or

(*xix*) employed, otherwise than in a clerical capacity, in the generating, transforming or supplying of electrical energy or in the generating or supplying of gas; or

(*xx*) employed in a lighthouse as defined in clause (*d*) of section 2 of the Indian Lighthouse Act, 1927; or XVII of 1927.

(*xxi*) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or

(*xxii*) employed in the training, keeping or working of elephants or wild animals; or

(*xxiii*) employed as a diver.

*Explanation.*—In this Schedule, ' the preceding twelve months ' relates in any particular case to the twelve months ending with the day on which the accident in such case occurred."

Amendment of Schedule III, Act VIII of 1923.

**22.** In Schedule III to the said Act, after the entry relating to phosphorus posioning, the following entries shall be added, namely:—

| | |
|---|---|
| "Mercury poisoning or its sequelæ. | Any process involving the use of mercury or its preparations or compounds. |
| Poisoning by benzene and its homologues, or the sequelæ of such poisoning. | Handling benzene or any of its homologues ; and any process in the manufacture or involving the use of benzene or any of its homologues. |
| Chrome ulceration or its sequelæ. | Any process involving the use of chromic acid or bichromate of ammonium, potassium or sodium, or their preparations. |
| Compressed air illness or its sequelæ. | Any process carried on in compressed air." |

**23.** For Schedule IB to the said Act, the following shall be substituted, namely:—

Substitution of new Schedule for Schedule IV, Act VIII of 1923.

" SCHEDULE IV.

(*See section 4.*)

*Compensation payable in certain cases.*

| Monthly wages of the workman injured. | | Amount of compensation for— Death of Adult. | Permanent Total Disablement of Adult. | Half monthly payment as compensation for Temporary Disablement of Adult. |
|---|---|---|---|---|
| 1 | | 2 | 3 | 4 |
| More than— | But not more than— | | | |
| Rs. | Rs. | Rs. | Rs. | Rs. A. |
| 0 | 10 | 500 | 700 | Half his monthly wages. |
| 10 | 15 | 550 | 770 | 5 0 |
| 15 | 18 | 600 | 840 | 6 0 |
| 18 | 21 | 630 | 882 | 7 0 |
| 21 | 24 | 720 | 1,008 | 8 0 |
| 24 | 27 | 810 | 1,134 | 8 8 |
| 27 | 30 | 900 | 1,260 | 9 0 |
| 30 | 35 | 1,050 | 1,470 | 9 8 |
| 35 | 40 | 1,200 | 1,680 | 10 0 |
| 40 | 45 | 1,350 | 1,890 | 11 4 |
| 45 | 50 | 1,500 | 2,100 | 12 8 |
| 50 | 60 | 1,800 | 2,520 | 15 0 |
| 60 | 70 | 2,100 | 2,940 | 17 8 |
| 70 | 80 | 2,400 | 3,360 | 20 0 |
| 80 | 100 | 3,000 | 4,200 | 25 0 |
| 100 | 200 | 3,500 | 4,900 | 30 0 |
| 200 | .. | 4,000 | 5,600 | 30 0" |

L. GRAHAM,
Secy. to the Govt. of India.

## GOVERNMENT OF INDIA.
## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor-General on the 11th September, 1933, and is hereby promulgated for general information:—

ACT NO. XVI OF 1933.

*An Act further to amend the Land Acquisition Act, 1894, for certain purposes.*

WHEREAS it is expedient further to amend the Land Acquisition Act, 1894, for the purposes hereinafter appearing; It is hereby enacted as follows:—

**1.** This Act may be called the Land Acquisition (Amendment) Act, 1933.

Short title.

**2.** After section 38 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

Insertion of new section 38-A in Act I of 1894.

" 38A. An industrial concern, ordinarily employing not less than one hundred workmen owned by an individual or by an association of individuals and not being a Company, desiring to acquire land for the erection of dwelling houses for workmen employed by the concern or for the provision of amenities directly connected therewith shall, so far as concerns the acquisition of such land, be deemed to be a Company for the purposes of this part, and the references to Company in sections 5A, 6, 7, 17 and 50 shall be interpreted as references also to such concern."

Industrial concern to be deemed Company for certain purposes.

**3.** In sub-section (*1*) of section 40 of the said Act, for clauses (*a*) and (*b*) the following clauses shall be substituted, namely:—

Amendment of section 40, Act I of 1894.

" (*a*) that the purpose of the acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or

(*b*) that such acquisition is needed for the construction of some work, and that such work is likely to prove useful to the public."

**4.** In section 41 of the said Act,—

Amendment of section 41, Act I of 1894.

(*a*) after the word " that " where it first occurs, the following words shall be inserted, namely:—

" the purpose of the proposed acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities

directly connected therewith, or that"; and

(b) for clauses (4) and (5) the following clauses shall be substituted, namely:—

"(4) where the acquisition is for the purpose of erecting dwelling houses or the provision of amenities connected therewith, the time within which, the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided; and

(5) where the acquisition is for the construction of any other work, the time within which and the conditions on which the work shall be executed and maintained, and the terms on which the public shall be entitled to use the work."

L. GRAHAM,
Secy. to the Govt. of India.

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GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor-General on the 11th September, 1933, and is hereby promulgated for general information:—

ACT NO. XVII OF 1933.

*An Act to regulate the possession of wireless telegraphy apparatus.*

WHEREAS it is expedient to regulate the possession of wireless telegraphy apparatus in British India; It is hereby enacted as follows:—

**Short title, extent and commencement.**

**1.** (1) This Act may be called the Indian Wireless Telegraphy Act, 1933.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on such date as the Governor-General in Council may, by notification in the Gazette of India, appoint.

**Definitions.**

**2.** In this Act, unless there is anything repugnant in the subject or context,—

(1) "wireless communication" means the making, transmitting or receiving of telegraphic, telephonic or other communications by means of electricity or magnetism without the use of wires or other continuous electrical conductors between the transmitting and the receiving apparatus;

(2) "wireless telegraphy apparatus" means any apparatus, appliance, instrument or material used or capable of use in wireless communication, and includes any article determined by rule made under section 10 to be wireless telegraphy apparatus, but does not include any such apparatus, appliance, instrument or material commonly used for other electrical purposes, unless it has been specially designed or adapted for wireless communication or forms part of some apparatus, appliance, instrument or material specially so designed or adapted, nor any article determined by rule made under section 10 not to be wireless telegraphy apparatus; and

(3) "prescribed" means prescribed by rules made under section 10.

**Prohibition of possession of wireless telegraphy apparatus without license.**

**3.** Save as provided by section 4, no person shall possess wireless telegraphy apparatus except under and in accordance with a license issued under this Act.

**Power of Governor General in Council to exempt persons from provisions of the Act.**

**4.** The Governor-General in Council may by rules made under this Act exempt any person or any class of persons from the provisions of this Act either generally or subject to prescribed conditions, or in respect of specified wireless telegraphy apparatus.

**Licenses.**

**5.** The telegraph authority constituted under the Indian Telegraph Act, 1885, shall be the authority competent to issue licenses to possess wireless telegraphy apparatus under this Act, and may issue licenses in such manner, on such conditions and subject to such payments as may be prescribed. XIII of 18[illegible]

**Offence and penalty.**

**6.** (1) Whoever possesses any wireless telegraphy apparatus in contravention of the provisions of section 3 shall be punished, in the case of the first offence, with fine which may extend to one hundred rupees, and, in the case of a second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

(2) For the purposes of this section a Court may presume that a person possesses wireless telegraphy apparatus if such apparatus is under his ostensible charge, or is located in any premises or place over which he has effective control.

(3) If in the trial of an offence under this section the accused is convicted, the Court shall decide whether any apparatus in respect of which an offence has been committed should be confiscated, and, if it so decides, may order confiscation accordingly.

**Power of search.**

**7.** (1) A Presidency Magistrate, or a Magistrate of the first class or a Magistrate of the second class specially empowered by the Local Government in this behalf, may issue a warrant for the search, at any time between sunrise and sunset, of any building, vessel or

place in which he has reason to believe that any wireless telegraphy apparatus, in respect of which an offence punishable under section 6 has been committed, is kept or concealed.

(2) The officer to whom a search warrant under sub-section (1) is addressed may enter into any building, vessel or place mentioned in the warrant and seize any wireless telegraphy apparatus in respect of which he has reason to believe an offence under section 6 has been committed.

Apparatus confiscated or having no owner to be property of Governor-General in Council.

**8.** All wireless telegraphy apparatus confiscated under the provisions of sub-section (3) of section 6, and all wireless telegraphy apparatus having no ostensible owner shall be the property of the Governor-General in Council.

Power of Court to direct payment of fines to prescribed authority.

**9.** A Court inflicting a fine as punishment for any offence under section 6 or under the rules made under section 10 may direct that the amount of the fine or any part of it shall be paid to the prescribed authority to be utilised for the benefit of the Indian State Broadcasting Service or a Broadcasting Service approved in this behalf by the Governor-General in Council.

Power of Governor-General in Council to make rules.

**10.** (1) The Governor-General in Council may, by notification in the Gazette of India, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(i) determining that any article or class of article shall be or shall not be wireless telegraphy apparatus for the purposes of this Act;

(ii) the exemption of persons or classes of persons under section 4 from the provisions of this Act;

(iii) the manner of and the conditions governing the issue, renewal, suspension and cancellation of licenses, the form of licenses, and the payments to be made for the issue and renewal of licenses;

(iv) the maintenance of records containing details of the acquisition and disposal by sale or otherwise of wireless telegraphy apparatus possessed by dealers in wireless telegraphy apparatus;

(v) the conditions governing the sale of wireless telegraphy apparatus by dealers in and manufacturers of such apparatus; and

(vi) determining the authority referred to in section 9.

(3) In making a rule under this section the Governor-General in Council may direct that a breach of it shall be punishable with fine which may extend to one hundred rupees.

Saving of Indian Telegraph Act, 1885.

**11.** Nothing in this Act contained shall authorise the doing of anything prohibited under the Indian Telegraph Act, 1885, and no license issued under this Act shall authorise any person to do anything for the doing of which a license or permission under the Indian Telegraph Act, 1885, is necessary. XIII XIII

L. GRAHAM,
Secy. to the Govt. of India.

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## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor-General on the 11th September, 1933, and is hereby promulgated for general information:—

### ACT NO. XVIII OF 1933.

*An Act further to amend the Indian Income-tax Act, 1922, for certain purposes.*

WHEREAS it is expedient further to amend the Indian Income-tax Act, 1922, for the purposes hereinafter appearing: It is hereby enacted as follows:— of 1922.

Short title.

**1.** This Act may be called the Indian Income-tax (Second Amendment) Act, 1933.

Amendment of section 5, Act XI of 1922.

**2.** In section 5 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act),— XI of

(a) for sub-section (3) the following sub-section shall be substituted, namely:—

"(3) The Governor-General in Council may appoint a Commissioner of Income-tax for any area specified in the order of appointment.";

(b) in sub-section (4),—

(i) for the words "in respect of such classes of persons and such classes of income" the words "in respect of such persons or classes of persons and of such incomes or classes of income" shall be substituted, and

(ii) after the words "in respect of such areas as the Commissioner of Income-tax may direct," the follow-

ing words shall be inserted, namely:—

"and, where two or more Assistant Commissioners of Income-tax or Income-tax Officers have been appointed for the same area, in accordance with any orders which the Commissioner of Income-tax may make for the distribution and allocation of the work to be performed"; and

(c) in sub-section (6), for the word "province" the word "area" shall be substituted.

Amendment of section 8, Act XI of 1922.

**3.** In the first proviso to section 8 of the said Act, after the word "Provided" the word "further," shall be inserted, and before the said proviso as so amended the following proviso shall be inserted, namely:—

"Provided that no income-tax shall be payable under this section by the assessee in respect of any sum deducted from such interest by way of commission by a banker realizing such interest on behalf of the assessee:".

Amendment of section 9, Act XI of 1922.

**4.** For clause (iv) of sub-section (1) of section 9 of the said Act the following clause shall be substituted, namely:—

"(iv) where the property is subject to a mortgage, or other capital charge, the amount of any interest on such mortgage or charge; where the property is subject to a ground rent, the amount of such ground rent; and where the property has been acquired with borrowed capital, the amount of any interest payable on such capital and not specifically charged upon the property itself;".

Amendment of section 11, Act XI of 1922.

**5.** For sub-section (2) of section 11 of the said Act the following sub-section shall be substituted, namely:—

"(2) Such profits or gains shall be computed after making the following allowances, namely:—

(i) any expenditure (not being in the nature of capital expenditure) incurred solely for the purposes of such profession or vocation, and not being personal expenses of the assessee;

(ii) in respect of depreciation of buildings and depreciation and obsolescence of machinery, apparatus, appliances, plant, furniture or other capital assets being the property of the assessee and used solely for the purposes of such profession or vocation, the allowances specified in clauses (vi) and (vii) of sub-section (2) of section 10 subject to all the conditions specified in those clauses."

Amendment of section 16, Act XI of 1922.

**6.** In sub-section (1) of section 16 of the said Act, for the words and figure "the provisos to section 8" the words and figure "the second and third provisos to section 8" shall be substituted.

Amendment of section 18, Act XI of 1922.

**7.** In section 18 of the said Act,—

(a) sub-section (1) shall be omitted;

(b) in sub-section (2), after the word "income-tax" the words "but not super-tax" shall be inserted;

(c) in sub-section (3),—

(i) after the word "shall" the words "unless otherwise prescribed in the case of any security of the Government of India" shall be inserted,

(ii) after the word "income-tax" the words "but not super-tax" shall be inserted, and

(iii) the following proviso shall be added, namely:—

"Provided that where the Income-tax Officer gives a certificate in writing (which certificate he shall give in every proper case on the application of the assessee) that to the best of his belief the total income of a recipient will be less than the minimum liable to income-tax or will be liable to a rate of income-tax less than the maximum rate, the person responsible for paying any income herein referred to to such recipient shall, until such certificate is cancelled by the Income-tax Officer, pay the income without deduction or deduct the tax at such less rate, as the case may be.";

(d) after sub-section (3) as so amended the following sub-sections shall be inserted, namely:—

"(3A) Where the Income-tax Officer has reason to believe that the total income of any person residing out of British India to whom any interest not being 'Interest on Securities' is payable, will in any year exceed the maximum amount which is not chargeable with super-tax under the law for the time being in force, he may, by order in writing, require the person responsible for paying such interest to such person to deduct at the time of payment income-tax and super-tax at the rates determined by the Income-tax Officer to be applicable to the total income of such person in that year.

(3B) Where the person responsible for paying any interest not being 'Interest on Securities' to any person pays to that person in any year an amount of such interest exceed-

ing in the aggregate the maximum amount which is not chargeable with super-tax under the law for the time being in force, the person responsible for paying such interest shall, if he has not reason to believe that the recipient is resident in British India, and no order under sub-section *(3A)* has been received in respect of such recipient, deduct at the time of payment income-tax on the total amount of such interest at the rate appropriate to such total, and super-tax on the amount by which such total exceeds the maximum amount not chargeable with super-tax at the rate applicable to such excess.

*(3C)* Where the Income-tax Officer has reason to believe that any person, who is a shareholder in a company, is resident out of British India and that the total income of such person will in any year exceed the maximum amount which is not chargeable to super-tax under the law for the time being in force, he may, by order in writing, require the principal officer of the company to deduct at the time of payment of any dividend from the company to the shareholder in that year super-tax at such rate as the Income-tax Officer may determine as being the rate applicable in respect of the income of the shareholder in that year.

*(3D)* If in any year the amount of any dividend or the aggregate amount of any dividends paid to any shareholder by a company (together with the amount of any income-tax payable by the company in respect thereof) exceeds the maximum amount of the total income of a person which is not chargeable to super-tax under the law for the time being in force, and the principal officer of the company has not reason to believe that the shareholder is resident in British India, and no order under sub-section *(3C)* has been received in respect of such shareholder by the pricipal officer from the Income-tax Officer, the principal officer shall at the time of payment deduct super-tax on the amount of such excess at the rate which would be applicable under the law for the time being in force if the amount of such dividend or dividends (together with the amount of such income-tax as aforesaid) constituted the whole total income of the shareholder.";

*(e)* in sub-section *(5)*, after the word "income-tax" the words "or super-tax" shall be inserted;

*(f)* in sub-section *(7)*,—

*(i)* after the words "as required by" the words "or under" shall be inserted, and for the word "personally" the words "an assessee" shall be substituted, and

*(ii)* the following proviso shall be added, namely:—

"Provided that the Income-tax Officer shall not make a direction under sub-section *(1)* of section 46 for the recovery of any penalty from such person unless satisfied that such person has wilfully failed to deduct and pay the tax."; and

*(g)* in sub-section *(9)*, after the word "income-tax," in both places where it occurs, the words "or super-tax" shall be inserted, and for the word, brackets and figure "sub-section *(3)*," the words, brackets and figures "sub-section *(3)*, *(3A)*, *(3B)*, *(3C)* or *(3D)*" shall be substituted.

Amendment of section 19, Act XI of 1922.

**8.** In section 19 of the said Act, for the words and figures "any other head than those mentioned in sub-section *(1)* of section 18" the words "any head other than 'salaries' or 'interest on securities'" shall be substituted.

Insertion of new section 20 A in Act XI of 1922.

**9.** After section 20 of the said Act the following section shall be inserted, namely:—

Supply of information regarding interest.

"20A. The person responsible for paying any interest not being 'Interest on Securities' shall, on or before the fifteenth day of June in each year, furnish to the prescribed officer a return in the prescribed form and verified in the prescribed manner of the names and addresses of all persons to whom during the previous financial year he has paid interest or aggregate interest exceeding such amount not being less than one thousand rupees as may be prescribed in this behalf, together with the amount paid to each such person."

**10.** In section 24 of the said Act,—

Amendment of section 24, Act XI of 1922.

*(a)* in sub-section *(2)*, after the words "any member of such firm" the words "or any person who being a minor has been admitted to the benefits of partnership in such firm" shall be inserted; and

*(b)* to the same sub-section as so amended the following shall be added, namely:—

"or to his share of the benefits of partnership, as the case may be".

**11.** After section 24 of the said Act the following sections shall be inserted, namely:—

Insertion of new sections 24 A and 24 B in Act XI of 1922.

"24A. (1) When it appears to the Income-tax Officer that any person may leave British India during the current financial year, or shortly after its expiry, and that he has no present intention of returning, the Income-tax Officer may proceed to assess him on his total income for the period from the expiry of the last previous year for which he has been assessed to the probable date of his departure from British India. For each completed previous year included in this period an assessment shall be made on the total income of such person at the rate at which it would have been charged had such income been fully assessed, and for the period from the expiry of the last of such previous years to the probable date of departure, the Income-tax Officer shall estimate the total income of such person and assess it at the rate in force for the financial year in which such assessment is made :

Assessment in case of departure from British India.

Provided that nothing herein contained shall authorise an Income-tax Officer to assess any income profits or gains which have escaped assessment or have been assessed at too low a rate in respect of which he is debarred from issuing a notice under section 34.

(2) For the purpose of making an assessment under sub-section (1) the Income-tax Officer may serve a notice upon such person requiring him to furnish, within such time not being less than seven days as may be specified in the notice, a return in the same form and verified in the same manner as a return under sub-section (2) of section 22, setting forth (along with such other particulars as may be provided for in the notice) his total income for each of the completed previous years comprised in the period first referred to in sub-section (1) and his estimated total income for the period from the expiry of the last such completed previous year to the probable date of his departure ; and the provisions of this Act shall, so far as may be, apply as if the notice were a notice issued under sub-section (2) of section 22.

24B. (1) Where a person dies, his executor, administrator or other legal representative shall be liable to pay out of the estate of the deceased person to the extent to which the estate is capable of meeting the charge the tax assessed as payable by such person, or any tax which would have been payable by him under this Act if he had not died.

Tax of deceased person payable by representative.

(2) Where a person dies before he is served with a notice under sub-section (2) of section 22 or section 34, as the case may be, the Income-tax Officer may serve on his executor, administrator or other legal representative a notice under sub-section (2) of section 22 or under section 34, as the case may be, and may proceed to assess the total income of the deceased person as if such executor, administrator or other legal representative were the assessee.

(3) Where a person dies, without having furnished a return which he has been required to furnish under the provisions of sub-section (2) of section 22, or having furnished a return which the Income-tax Officer has reason to believe to be incorrect or incomplete, the Income-tax Officer may make an assessment of the total income of such person and determine the tax payable by him on the basis of such assessment, and for this purpose may require from the executor, administrator, or other legal representative of the deceased person any accounts, documents or other evidence which he might under the provisions of sections 22 and 23 have required from the deceased person."

**12.** In section 30 of the said Act,—

Amendment of section 30, Act XI of 1922.

(a) in sub-section (1), after the words "objecting to a refusal of an Income-tax Officer" the words "to register a firm under section 26A or" shall be inserted, and

(b) in sub-section (2), after the words "objected to" the words "or of the intimation of the refusal to register a firm under section 26A," shall be inserted.

**13.** In sub-section (3) of section 31 of the said Act,—

Amendment of section 31, Act XI of 1922.

(a) after the words "in the case of an order refusing" the words "to register a firm under section 26A or" shall be inserted, and

(b) in sub-clause (c), for the words "to make a fresh assessment" the words "to register the firm or to make a fresh assessment, as the case may be" shall be substituted.

**14.** In sub-section (1) of section 32 of the said Act, for the words "the making of such order" the words "the date on which he was served with notice of such order" shall be substituted.

Amendment of section 32, Act XI of 1922.

**15.** To section 38 of the said Act the following clause shall be added, namely:—

Amendment of section 38, Act XI of 1922.

"(3) require any person whom he has reason to believe to be engaged in busisess, to furnish him with a return containing particulars of the location and style of his principal place of business, and of his branch businesses, if any, the names and addresses of his partners in any business, and the extent of his own share and the shares of all such partners in the profits of such business or businesses."

**16.** To sub-section (2) of section 46 of the said Act the following proviso shall be added, namely:—

Amendment of section 46, Act XI of 1922.

"Provided that without prejudice to any other powers of the Collector in this behalf, he shall for the purpose of recovering the said amount have in respect of the attachment and sale of debts due to the assessee the powers which under the Code of Civil Procedure, 1908, a Civil Court has in respect of the attachment and sale of debts due to a judgment-debtor for the purpose of the recovery of an amount due under a decree."

**17** In section 48 of the said Act,—

Amendment of section 48, Act XI of 1922.

(a) in sub-section (1),—

(i) after the word "declared" the following words shall be inserted, namely:—

"or that his total income in such year is below the minimum chargeable with income-tax", and

(ii) after the words "between those rates" the following words shall be added, namely:—

"or at the rate applicable to the profits and gains of the company at the time of the declaration of such dividend, as the case may be";

(b) in sub-section (2),—

(i) after the words "registered firm" the words "or any person who being a minor has been admitted to the benefits of partnership in such firm" shall be inserted,

(ii) after the words "of that year" the following words shall be inserted, namely:—

"or that his total income of the previous year was below the minimum chargeable with income-tax", and

(iii) after the words "between those rates" the following words shall be added, namely:—

"or at the rate at which income-tax has been levied, as the case may be"; and

(c) in sub-section (3),—

(i) after the words "in that year" the following words shall be inserted, namely:—

"or that his total income of the previous year was below the minimum chargeable with income-tax", and

(ii) after the words "between those rates" the following words shall be added, namely:—

"or at the rate at which income-tax has been deducted as the case may be".

**18** After section 48 of the said Act the following section shall be inserted, namely:—

Insertion of new section 48 A in Act XI of 1922.

"48A. (1) If any case not provided for by section 48 or by the provisions relating to refunds elsewhere contained in this Act the Income-tax Officer is satisfied, upon claim made in this behalf, that tax has been paid by or on behalf of any person with which he was not properly chargeable or which was in excess of the amount with which he was properly chargeable, the Income-tax Officer shall allow a refund to such person of the amount so paid or so paid in excess.

General power to make refunds.

(2) The Assistant Commissioner in the exercise of his appellate powers, or the Commissioner in the exercise of his appellate powers or powers of revision if satisfied to the like effect shall in like manner cause a refund to be made by the Income-tax Officer of any amount found to have been wrongly paid or paid in excess.

(3) Nothing in this section shall operate to validate any objection or appeal which is otherwise invalid or to authorise the revision of any assessment or other matter which has become final and conclusive, or the review by any officer of a decision of his own which is subject to appeal or revision, or where any relief is specifically provided elsewhere in this Act, to entitle any person to any relief other or greater than that relief."

After section 49 of the said Act the following sections shall be inserted, namely:—

Insertion of new sections 49 A and 49 B in Act XI of 1922.

"49A. Where under any of the provisions of this Act, a refund is found to be due to any person, the Income-tax Officer, Assistant Commissioner or Commissioner, as the case may be, may, in lieu of payment of the refund, set off the amount to be refunded, or any part of that amount against the tax, if any, remaining payable by the person to whom the refund is due.

Power to set off amount of refunds against tax remaining payable.

49B. Where through death, incapacity, bankruptcy, liquidation or other cause, a person who would but for

Power of representative of deceased person or person disabled to make claim on his behalf.

such cause have been entitled to a refund under any of the provisions of this Act, or to make a claim under section 48 or 48A or 49, is unable to receive such refund or to make such claim, his executor, administrator or other legal representative, or the trustee or receiver, as the case may be shall be entitled to receive such refund or to make such claim for the benefit of such person or his estate."

Insertion of new section 50 A in Act XI of 1922.

**20.** After section 50 of the said Act, the following section shall be inserted, namely:—

Appeal against refusal of refund.

"50A. (*1*) Any person objecting to a refusal of an Income-tax Officer to allow a claim to a refund under section 48 or 48A or 49 or to the amount of the refund made in any such case, may appeal to the Assistant Commissioner.

(*2*) The appeal shall be presented within thirty days of the date on which the refusal of the refund or the amount of the refund allowed was communicated to the appellant.

(*3*) The appeal shall be made in the prescribed form and shall be verified in the prescribed manner.

(*4*) The Assistant Commissioner may, after giving the appellant an opportunity of being heard, pass such orders as he thinks fit."

Amendment of section 51, Act XI of 1922.

**21.** In clause (*c*) of section 51 of the said Act, after the word and figures "section 19A," the word and figures "section 20A," shall be inserted.

Amendment of section 52, Act XI of 1922.

**22.** In section 52 of the said Act, after the words and figures "section 19A or" the words and figures "section 20A or" shall be inserted, and after the word and figures "section 33A" the words and figures "or sub-section (*3*) of section 50A" shall be inserted.

Amendment of section 54, Act XI of 1922.

**23.** In the first proviso to sub-section (*2*) of section 54 of the said Act, after clause (*c*), the following clause shall be inserted, namely:—

"(*cc*) of any such particulars occasioned by the lawful exercise by a public servant of his powers under the Indian Stamp Act, 1899, to impound an insufficiently stamped document, or". II of 1899.

Amendment of section 57, Act XI of 1922.

**24.** In section 57 of the said Act, sub-sections (*2*) and (*3*) shall be omitted, and sub-section (*4*) shall be renumbered as sub-section (*2*).

Amendment of section 58, Act XI of 1922.

**25.** In section 58 of the said Act,—

(*a*) in sub-section (*1*),—

(*i*) for the word "except" the words "relating to the charge, assessment, collection and recovery of income-tax except those contained in" shall be substituted, and for the words and figure "the provisos to section 8" the words and figure "the second and third provisos to section 8" shall be substituted.

(*ii*) the figures "18", where they occur between the figures "17" and "19", shall be omitted,

(*iii*) for the word and figures "and 48" the words, figures and letters "48, 58F and sub-sections (*2*) and (*3*) of section 58G" shall be substituted, and

(*iv*) the proviso shall be omitted; and

(*b*) in sub-section (*2*), before the word and figures "section 57" the words, brackets, figures and letters "sub-sections (*3A*), (*3B*), (*3C*) and (*3D*) of section 18)" shall be inserted.

Amendment of section 58 G, Act XI of 1922

**26.** In section 58G of the said Act,—

(*a*) sub-sections (*1*) and (*2*) shall be re-numbered as sub-sections (*2*) and (*3*), and before sub-section (*2*) as so re-numbered the following sub-section shall be inserted, namely:—

"(*1*) Where the accumulated balance due to an employee participating in a recognised provident fund becomes payable, such accumulated balance shall be exempt from payment of super-tax except to the extent of an amount equal to the aggregate of the amounts of super-tax on annual accretions that would have been payable under section 58E up to the first day of April, 1933, if the Indian Income-tax (Second Amendment) Act, 1933, had come into force on the 15th March, 1930"; XVIII of 1933.

(*b*) in sub-section (*2*) as now re-numbered, the words "and super-tax" shall be omitted; and

(*c*) in sub-section (*3*) as now re-numbered, for the word, brackets and figure "sub-section (*1*)", the word, brackets and figure "sub-section (*2*)" shall be substituted.

Amendment of section 60, Act XI of 1922.

**27.** In sub-section (*2*) of section 60 of the said Act, after the words "in advance" the words "or by reason of his having receive in any one financial year salary for more than twelve months" shal be inserted.

Amendment of section 66, Act XI of 1922

**28.** In section 66 of the said Act,—

(*a*) in sub-section (2), after the word and figures "section 32" the words and figures "or of an order under section 33 enhancing an assessment or otherwise prejudicial to him" shall be inserted;

(b) before the existing proviso to sub-section (2) the following proviso shall be inserted, namely:—

"Provided that a reference shall lie from an order under section 33 only on a question of law arising out of that order itself, and not on a question of law arising out of a previous order under section 31 or section 32, revised by the order under section 33: ";

(c) in the existing proviso to sub-section (2),—

(i) after the word "Provided" the word "further" shal be inserted,

(ii) after the word "question" the following words shall be inserted, namely:—

"or if the Commissioner rejects the application on the ground that it is time barred or otherwise incompetent, or if, in exercise of his powers under sub-section (3), the Commissioner refuses to state the case," and

(iii) after the word "may" the words "within thirty days from the date on which he receives notice of the order passed by the Commissioner" shall be inserted);

(d) after sub-section (3) the following sub-section shall be inserted, namely:—

"(3A) If, on any application being made under sub-section (2), the Commissioner rejects it on the ground that it is time-barred, the assessee may, within two months from the date on which he is served with notice of the order of the Commissioner, apply to the High Court, and the High Court, if it is not satisfied of the correctness of the Commissioner's decision, may require the Commissioner to treat the application as made within the time allowed under sub-section (2). "; and

(e) after sub-section (7) the following sub-section shall be inserted, namely:—

"(7A) Section 5 of the Indian Limitation Act, 1908, shall apply to an application to the High Court by an assessee under sub-section (3) or sub-section (3A)." IX of 1908.

L. GRAHAM,

Secy. to the Govt. of India.

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## GOVERNMENT OF INDIA.
## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor-General on the 11th September, 1933, and is hereby promulgated for general information:—

ACT NO. XIX OF 1933.

*An Act further to amend the Indian Railways Act, 1890, for a certain purpose.*

WHEREAS it is expedient further to amend the Indian Railways Act, 1890, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Railways (Amendment) Act, 1933.

Insertion of new section 51A in Act IX of 1890.

2. After section 51 of the Indian Railways Act, 1890, the following section shall be inserted, namely:—

Additional power to provide and maintain transport services.

"51A. (1) Any railway company, not being a company for which the Statutes 42 and 43 Vic., Chap. 41, provides may frame a scheme for the provision and maintenance of a motor transport or air-craft service for passengers, animals or goods with a terminus at or near a station on the railway owned or managed by such company.

(2) The scheme shall be submitted to the Governor-General in Council, who, after consultation with the Local Government or Local Governments concerned, may sanction it, subject to such modifications and conditions as he may prescribe.

(3) The scheme shall be published in the Gazette of India and thereupon the railway company shall, subject to sub-section (4), have the power to provide and maintain a service in accordance therewith.

(4) In respect of any service provided and maintained by any railway company under this section,—

(a) the company shall be deemed not to be a railway administration for the purposes of this Act or of any other enactment affecting railways, and no property used exclusively for purposes of the service shall be deemed to be included in the railway or its rolling stock; and

(b) all enactments and rules for the time being in force relating to motor vehicles, air-craft and roads shall apply accordingly.

(5) The Governor-General in Council, after consultation with the Local Government or Local Governments concerned, may, by notification in the Gazette of India, after giving to the railway company six months' notice of his intention so to do, withdraw his sanction to any scheme sanctioned under sub-section (2) or may modify the scheme or impose further conditions on it."

L. GRAHAM,

Secy. to the Govt. of India.

## Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

GOVERNMENT OF INDIA.

### LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 8th September, 1933:—

L. A. BILL NO. 41 OF 1933.

THE RESERVE BANK OF INDIA BILL, 1933.

CONTENTS.



*A Bill to constitute a Reserve Bank of India.*

WHEREAS it is expedient to constitute a Reserve Bank for India to regulate the issue of bank notes and the keeping of reserves with a view to securing monetary stability in British India, and generally to make provisions for matters incidental thereto;

AND WHEREAS in the present disorganisation of the monetary systems of the world it

is not possible to determine what will be suitable as a permanent basis for the Indian monetary system;

BUT WHEREAS it is expedient to make temporary provision on the basis of the existing monetary system, and to leave the question of the monetary standard best suited to India to be considered when the international monetary position has become sufficiently clear and stable to make it possible to frame permanent measures;

It is hereby enacted as follows:—

## CHAPTER I.

### PRELIMINARY.

Short title, extent, commencement and duration.

**1.** (*1*) This Act may be called the Reserve Bank of India Act, 1933.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) This section shall come into force at once, and the remaining provisions of this Act shall come into force on such date or dates as the Governor-General in Council may, by notification in the Gazette of India, appoint.

(*4*) Chapter III shall remain in force for a period of twenty-five years and thereafter until repealed.

Definitions.

**2.** In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the Bank" means the Reserve Bank of India constituted by this Act;

(*b*) "bank note" means paper money issued by the Bank;

(*c*) "the Central Board" means the Central Board of Directors of the Bank;

(*d*) "sterling standard country" means the United Kingdom and any country, other than British India, in which any person is entitled by law to obtain sterling on demand from the principal currency authority of that country, on payment at a fixed rate in the legal tender currency of that country;

(*e*) "provincial co-operative bank" means any society which is registered or deemed to be registered under the Co-operative Societies Act, 1912, or any other law for the time being in force in British India, relating to co-operative societies and the sole business and object of which is the financing of the other societies in a province which are or are deemed to be so registered; [margin: ...of 1912.]

(*f*) "rupee coin" means silver rupees which are legal tender under the provisions of the Indian Coinage Act, 1906; and [margin: ...of 1906.]

(*g*) "scheduled bank" means a bank included in the Second Schedule.

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## CHAPTER II.

### INCORPORATION, SHARE CAPITAL, MANAGEMENT AND BUSINESS.

Establishment and incorporation of Reserve Bank.

**3.** (*1*) A Bank to be called the Reserve Bank of India shall be constituted for the purposes of taking over the management of the currency from the Governor-General in Council and of carrying on the business of banking in accordance with the provisions of this Act.

(*2*) The Bank shall be a body corporate by the name of the Reserve Bank of India, having perpetual succession and a common seal, and shall by the said name sue and be sued.

Share capital, share registers and shareholders.

**4.** (*1*) The original share capital of the Bank shall be five crores of rupees divided into shares of five hundred rupees each, which shall be fully paid up.

(*2*) Separate registers of shareholders shall be maintained at Bombay, Calcutta, Delhi, Madras and Rangoon, and a separate issue of shares shall be made in each of the areas served by those registers, as defined in the First Schedule, and shares shall be transferable from one register to another.

(*3*) A shareholder shall be qualified to be registered as such in any area in which he is ordinarily resident or has his principal place of business in India, but no person shall be registered as a shareholder in more than one register; and no person who is not—

(*a*) domiciled in India, or

(*b*) a British subject ordinarily resident in India, or

(*c*) a company registered under the Indian Companies Act, 1913, or a society registered under the Co-operative Societies Act, 1912, or a scheduled bank, or a corporation or company incorporated by or under an Act of Parliament or any law for the time being in force in any of His Majesty's dominions and having a branch in British India, [margin: VII of ...] [margin: II of ...]

shall be registered as a shareholder or be entitled to payment of any dividend on any share

(*4*) The Central Board may, at its discretion without giving any reason, decline to allot shares to any applicant or to register any transfer of shares.

(*5*) The nominal value of the shares originally assigned to the various registers shall be as follows, namely:—

(*a*) to the Bombay register—one hundred and sixty-five lakhs of rupees;

(*b*) to the Calcutta register—one hundred and sixty-five lakhs of rupees;

(*c*) to the Delhi register—eighty lakhs of rupees;

(*d*) to the Madras register—fifty lakhs of rupees;

(*e*) to the Rangoon register—forty lakhs of rupees:

Provided that, in the event of the shares assigned to any register not being fully taken up at the first allotment, the Central Board may, with the previous sanction of the Governor-General in Council, transfer a portion of such shares from that register to another.

(6) In allotting the shares assigned to a register, the Central Board shall, in the first instance, allot two shares to each qualified applicant who has applied for two or more shares; and, if the number of such applicants is greater than half the total number of shares assigned to the register, shall determine by lot the applicants to whom the share shall be allotted.

If the number of such applicants is less than half the number of shares assigned to the register, the Central Board shall allot the remaining shares to applicants who have applied for more shares than two; and if the number of extra shares so applied for exceeds the number of shares so to be allotted, the Central Board shall allot them among the various applicants in such manner as it may deem fair and equitable, having regard to the desirability of distributing the shares and the voting rights attached to them as widely as possible.

If any shares still remain unallotted, the Central Board shall allot them to applicants who have applied for one share only; and if the number of shares so applied for exceeds the number of shares to be so allotted, the Central Board shall determine by lot the applicants to whom the shares shall be allotted.

If, after all applications have been met in accordance with the provisions of this sub-section, any shares remain unallotted, they shall, notwithstanding anything contained in this section, be allotted to and taken up by Government, and shall be sold by the Governor-General in Council, at not less than par, as soon as may be.

The Governor-General in Council shall have no right to exercise any vote under this Act by reason of any shares so allotted to him.

Increase and reduction of share capital.

**5.** (1) The share capital of the Bank may be increased by the Central Board with the previous sanction of the Governor-General in Council.

(2) Every such increase shall be fully paid up, and the areas to which such further shares shall be allotted and the price at which they may be issued shall be fixed by the Central Board with the like sanction.

(3) The Central Board may determine the manner in which any increase of share capital shall be effected.

(4) The share capital of the Bank may be reduced by the Central Board, with the previous sanction of the Governor-General in Council to such extent and in such manner as may be determined by the Bank in general meeting.

Head Office, branches and agencies.

**6.** The Head Office of the Bank shall be established in Bombay and the Bank shall, as soon as may be, establish branches in Calcutta, Delhi, Madras and Rangoon, and may establish branches or agencies in any other place in India or, with the previous sanction of the Governor-General in Council, elsewhere.

Management.

**7.** The general superintendence of the affairs and business of the Bank shall be entrusted to a Central Board of Directors which may exercise all powers and do all acts and things which may be exercised or done by the Bank and are not by this Act expressly directed or required to be done by the Bank in general meeting.

Composition of the Central Board, and term of office of Directors.

**8.** (1) The Central Board shall consist of the following Directors, namely: —

(a) a Governor and one Deputy Governor or two Deputy Governors, to be appointed by the Governor-General in Council after consideration of the recommendations made by the Board in that behalf;

(b) four Directors to be nominated by the Governor-General in Council;

(c) eight Directors to be elected on behalf of the shareholders on the various registers, in the manner provided in section 9 and in the following numbers, namely: —

(i) for the Bombay register—two Directors;

(ii) for the Calcutta register—two Directors;

(iii) for the Delhi register—two Directors;

(iv) for the Madras register—one Director;

(v) for the Rangoon register—one Director; and

(d) one government official to be nominated by the Governor-General in Council.

(2) The Governor and Deputy Governors shall devote their whole time to the affairs of the Bank, and shall receive such salaries and allowances as may be determined by the Central Board, subject to any minimum prescribed by the Governor-General in Council.

(3) A Deputy Governor and the Director nominated under clause (d) of sub-section (1) may attend any meeting of the Central Board and take part in its deliberations but shall not be entitled to vote:

Provided that when the Governor is absent a Deputy Governor authorised by him in this behalf in writing may vote for him.

(4) The Governor and a Deputy Governor shall hold office for such term not exceeding five years as the Governor-General in Council may fix when appointing them, and shall be eligible for re-appointment.

A Director elected under clause (c) of sub-section (1) shall hold office for five years, or thereafter until his successor shall have been duly elected, and, subject to the provisions of section 10, shall be eligible for re-election.

The Directors nominated under clause (*b*) and clause (*d*) of sub-section (*1*) shall hold office during the pleasure of the Governor-General in Council.

(*5*) No act or proceeding of the Board shall be questioned on tht ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board.

Local Boards, their constitution and functions.

**9.** (*1*) A Local Board shall be constituted for each of the five areas specified in the First Schedule, and shall consist of—

(*a*) five members elected from amongst themselves by the shareholders who are registered on the Register for that area and are qualified to vote, and

(*b*) not more than three members nominated by the Central Board, who may be nominated at any time.

(*2*) At an election of members of a Local Board for any area, any shareholder who has been registered on the Register for that area, for a period of not less than six months ending with the date of the meeting, as holding two shares shall have one vote, and each shareholder so registered as having more than two shares shall have one vote for each two shares, but subject to a maximum of ten votes.

(*3*) The members of a Local Board shall hold office until they vacate it under sub-section (*5*) and, subject to the provisions of section 10, shall be eligible for re-election or re-nomination, as the case may be.

(*4*) At any time within three months of the day on which the Directors representing the shareholders on any register are due to retire under the provisions of this Act, the Central Board shall direct an election to be held of members of the Local Board concerned, and such election shall be held forthwith, and the names of the persons elected shall be notified to the Central Board.

(*5*) On such notification, the Central Board shall proceed to make any nominations permitted by clause (*b*) of sub-section (*1*) it may then decide to make, and shall fix the date on which the outgoing members of the Local Board shall vacate office, and the incoming members shall be deemed to have assumed office on that date.

(*6*) The elected members of a Local Board shall, as soon as may be after they have been elected, elect from amongst themselves one or two persons, as the case may be, to be Directors representing the shareholders on the Register for the area for which the Board is constituted.

(*7*) A Local Board shall advise the Central Board on such matters as may be generally or specifically rendered to it and shall perform such duties as the Board may, by regulations, delegate to it.

Qualifications and disqualifications of Directors and members of Local Boards.

**10.** (*1*) No person may be a Director or a member of a Local Board who is not or has not at some time been—

(*a*) engaged in the direction of agricultural, commercial, financial or industrial activities, or

(*b*) a director of any company as defined in clause (*2*) of section 2 of the Indian Companies Act, 1913, or of a corporation or company incorporated by or under any law for the time being in force in any place outside British India. VII of

(*2*) No person may be a Director or a member of a Local Board who—

(*a*) is a government official or an official of a State in India, or

(*b*) is, or at any time has been adjudicated an insolvent, or

(*c*) is an officer or employee of any bank, or

(*d*) is a director of any bank, other than a registered society as defined in clause (*e*) of section 2 of the Co-operative Societies Act, 1912: II of 19

Provided that an official of a State in India (not being a government official on deputation in the State) may be nominated as a Director or as a member of a Local Board.

(*3*) Nothing in this section shall apply to the Governor, or to a Deputy Governor or to the Director nominated under clause (*d*) of sub-section (*1*) of section 8.

Removal from and vacation of office.

**11.** (*1*) The Governor-General in Council may remove from office the Governor, or a Deputy Governor or any nominated or elected Director:

Provided that in the case of an elected Director this power shall be exercised only on a resolution passed by the Central Board in that behalf by a majority consisting of not less than nine Directors.

(*2*) A Director nominated or elected under clause (*b*) or clause (*c*) of section 8, and any member of a Local Board shall cease to hold office if, at any time after six months from the date of his nomination or election, or eighteen months from the commencement of this Act, whichever is later, he is not registered as a holder of unencumbered shares of the Bank of a nominal value of not less than ten thousand rupees, or if he ceases to hold unencumbered shares of that value.

(*3*) The Governor-General in Council may remove from office any Director, and the Central Board may remove from office any member of a local Board, if such Director or member becomes subject to any of the disqualifications specified in sub-section (*2*) of section 10.

(*4*) The appointment, nomination or election as Director or member of a Local Board of any person who is a member of the Indian Legislature or of a local Legislature shall be void, unless, within one month of the date of his appointment, nomination or election, he ceases to be such member, and, if any Director or member of a Local Board is elected or nominated as a member of any such Legislature, he shall cease to be a Director or member of the Local Board as from the date of such election or nomination, as the case may be.

(*5*) A Director may resign his office to the Governor-General in Council, and a member

of a Local Board may resign his office to the Central Board, and on the acceptance of the resignation the office shall become vacant.

Casual vacancies and absences.

**12.** (*1*) If the Governor or a Deputy Governor by infirmity or otherwise is rendered incapable of executing his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the Governor-General in Council may appoint another person to officiate for him, and such person may, notwithstanding anything contained in clause (*c*) of sub-section (*2*) of section 10, be an officer of the Bank.

(*2*) If an elected Director is for any reason unable to attend a particular meeting of the Central Board, the elected members of the Local Board of the area which he represents may elect one of their number to take his place, and for the purposes of that meeting the substitute so elected shall have all the powers of the absent Director.

(*3*) A casual vacancy in the office of a Director, other than the vacancies provided for in sub-section (*1*), shall be filled in the manner in which, and by the authority by whom, the nomination or election of the Director vacating office was made; and the Director so nominated or elected shall hold office for the unexpired portion of the term of his predecessor.

(*4*) Where any casual vacancy in the office of any member of a Local Board occurs, the Central Board may nominate thereto any qualified person recommended by the Local Board, and the person so nominated shall hold office for the unexpired period of the term of his predecessor.

Meetings of the Central Board.

**13.** (*1*) Meetings of the Central Board shall be convened by the Governor at least six times in each year and at least once in each quarter. Meetings shall ordinarily be held in Bombay, but at least two meetings of the Central Board shall be held in Calcutta in each year.

(*2*) The Governor, or in his absence the Deputy Governor authorised by the Governor under the proviso to sub-section (*3*) of section 8 to vote for him, shall preside at meetings of the Central Board, and, in the event of an equality of votes, shall have a second or casting vote.

General meetings.

**14.** (*1*) A general meeting (hereinafter in this Act referred to as the annual general meeting) shall be held annually at Bombay within six weeks from the date on which the annual accounts of the Bank are closed, and a general meeting may be convened by the Central Board at any other time.

(*2*) Any shareholder shall be entitled to attend at any general meeting, and each shareholder who has been registered on any Register, for a period of not less than six months ending with the date of the meeting, as holding two shares shall have one vote, and each shareholder so registered as having more than two shares shall have one vote for each two shares, but subject to a maximum of ten votes; and such votes may be exercised by proxy.

First constitution of the Central Board.

**15.** (*1*) The following provisions shall apply to the first constitution of the Central Board, and, notwithstanding anything contained in section 8, the Central Board as constituted in accordance therewith shall be deemed to be duly constituted in accordance with this Act.

(*2*) The first Governor and the first Deputy Governor or Deputy Governors shall be appointed by the Governor-General in Council on his own initiative, and shall receive such salaries and allowances as he may determine.

(*3*) The first eight Directors representing the shareholders on the various Registers shall be nominated by the Governor-General in Council after consultation with the Local Governments concerned.

(*4*) A Director so nominated to represent shareholders on the Bombay or Calcutta Register shall hold office for two years, and a Director so nominated to represent shareholders on the Delhi, Madras or Rangoon Register shall hold office for four years, or thereafter until his successor shall have been duly elected.

First constitution of Local Boards.

**16.** As soon as may be after the commencement of this Act, the Central Board shall direct elections to be held and may make nominations, in order to constitute Local Boards in accordance with the provisions of section 9, and the members of such Local Boards shall hold office up to the date fixed under sub-section (*5*) of section 9, but shall not exercise any right under sub-section (*6*) of that section.

Business which the Bank may transact.

**17.** The Bank shall be authorised to carry on and transact the several kinds of business hereinafter specified, namely:—

(*1*) the accepting of money on deposit without interest from, and the collection of money for, the Secretary of State in Council, the Governor-General in Council, Local Governments, States in India, banks and any other persons;

(*2*) (*a*) the purchase, sale and rediscount of bills of exchange and promissory notes, drawn and payable in India and arising out of *bona fide* commercial or trade transactions, bearing two or more good signatures, one of which shall be that of a scheduled bank, and maturing within ninety days from the date of such purchase or rediscount, exclusive of days of grace;

(*b*) the purchase, sale and rediscount of bills of exchange and promissory notes, drawn and payable in India and bearing two or more good signatures, one of which shall be that of a scheduled bank, or a provincial co-operative bank, and drawn or issued for the purpose of financing seasonal agricultural operations or the marketing of crops, and maturing within six months

from the date of such purchase or rediscount, exclusive of days of grace:

provided that the total face value of bills or notes so purchased or rediscounted shall not at any time exceed one-fourth of the total face value of all bills and notes purchased or rediscounted by the Bank up to that time;

(c) the purchase, sale and rediscount of bills of exchange and promissory notes drawn and payable in India and bearing the signature of a scheduled bank, and issued or drawn for the purpose of holding or trading in securities of the Government of India or a Local Government, or such securities of States in India as may be specified in this behalf by the Governor-General in Council on the recommendation of the Central Board, and maturing within ninety days from the date of such purchase or rediscount, exclusive of days of grace;

(3) the purchase from and sale to scheduled banks and persons approved by the Central Board, in amounts of not less than the equivalent of one lakh of rupees, of the currencies of such sterling standard countries as may be specified in this behalf by the Governor-General in Council by notification in the Gazette of India, and of bills of exchange (including treasury bills) drawn in or on any place in any such country, and maturing within ninety days from the date of such purchase, exclusive of days of grace; and the keeping of balances with banks in such countries;

(4) the making of loans and advances, repayable on demand or on the expiry of fixed periods not exceeding ninety days, against the security of—

(a) stocks, funds and securities (other than immovable property) in which a trustee is authorised to invest trust money by any Act of Parliament or by any law for the time being in force in British India;

(b) gold coin or bullion or documents of title to the same;

(c) such bills of exchange and promissory notes as are eligible for purchase or rediscount by the Bank: provided that the total of the loans and advances against such securities as are referred to in sub-clause (b) of clause (2) shall not at any time exceed one-fourth of the total loans and advances made by the Bank up to that time;

(d) such bills of exchange as are eligible for purchase by the Bank under clause (3);

(e) promissory notes of any scheduled bank or a provincial co-operative bank, supported by documents evidencing title to goods which have been transferred, assigned, hypothecated or pledged to any such bank as security for a cash credit granted for *bonâ fide* commercial or trade transactions, or for the purpose of financing seasonal agricultural operations or the marketing of crops: provided that no loan or advance shall be made on the security of any promissory note such as is referred to in this sub-clause after the expiry of five years from the date on which this section comes into force;

(5) the making of advances to the Governor-General in Council repayable in each case not later than three months after the close of the financial year in respect of which the advance has been made;

(6) the issue of demand drafts and the making, issue and circulation of bank post bills made payable on its own branches;

(7) the purchase and sale of securities, maturing within five years from the date of such purchase, of the Government of any sterling standard country specified in this behalf by the Governor-General in Council by notification in the Gazette of India.

(8) the purchase and sale of securities of the Government of India of any maturity, or of a Local Government or of a local authority in British India maturing within ten years from the date of purchase, or of such securities of States in India of like maturity as may be specified in this behalf by the Governor-General in Council on the recommendation of the Central Board: provided that the amount of such securities held at any time in the Banking Department shall be so regulated that—

(a) the total value of such securities shall not exceed the aggregate amount of the share capital of the Bank, the Reserve Fund and two-fifths of the liabilities of the Banking Department in respect of deposits;

(b) the value of such securities maturing after six months shall not exceed the aggregate amount of the share capital of the Bank, the Reserve Fund and one-fifth of the liabilities of the Banking Department in respect of deposits;

(c) the value of such securities maturing after one year shall not exceed the aggregate amount of the share capital of the Bank, the Reserve Fund and one-tenth of the liabilities of the Banking Department in respect of deposits; and

(d) the value of such securities maturing after ten years shall not exceed the aggregate amount of the share capital of the Bank and the Reserve Fund;

(9) the custody of monies, securities and other articles of value, and the collection of the proceeds, whether principal, interest or dividends, of any such securities;

(10) the sale and realisation of all property, whether movable or immovable, which may in any way come into the possession of the Bank in satisfaction, or part satisfaction, of any of its claims;

(11) the acting as agent for the Secretary of State in Council, the Governor-General in Council or any Local Government or State in India in the transaction of any of the following kinds of business, namely:—

(a) the purchase and sale of gold or silver;

(b) the purchase, sale, transfer and custody of bills of exchange, securities or shares in any company;

(c) the collection of the proceeds, whether principal, interest or dividends, of any securities or shares;

(d) the remittance of such proceeds, at the risk of the principal, by bills of exchange payable either in India or elsewhere;

(e) the management of public debt;

(12) the purchase and sale of gold coin and bullion;

(13) the opening of an account with, and the acting as agent or correspondent of, any other bank which is the principal currency authority of a sterling standard country under the law for the time being in force in that country;

(14) the borrowing of money for a period not exceeding one month for the purposes of the business of the Bank, and the giving of security for money so borrowed:

Provided that no money shall be borrowed under this clause from any person in India other than a scheduled bank, or from any person outside India other than a bank which is the principal currency authority of any country under the law for the time being in force in that country:

Provided further that the total amount of such borrowings from persons in India shall not at any time exceed the amount of the share capital of the Bank;

(15) the making and issue of bank notes subject to the provisions of this Act; and

(16) generally, the doing of all such matters and things as may be incidental to or consequential upon the exercise of its powers or the discharge of its duties under this Act.

**18.** When, in the opinion of the Central Board, or, where the powers and functions of the Central Board under this section have been delegated to the Governor, in the opinion of the Governor, it is necessary or expedient that action should be taken under this section for the purpose of regulating credit in the interests of Indian trade, commerce, industry and agriculture, the Bank may, notwithstanding any limitation contained in sub-clauses (a) and (b) of clause (2) of section 17, purchase, sell or discount any bills of exchange or promissory notes drawn and payable in India and arising out of *bonâ fide* commercial or trade transactions, bearing two or more good signatures and maturing within ninety days from the date of such purchase or discount, exclusive of days of grace.

Power of direct discount.

**19.** Save as otherwise provided in sections 17, 18 and 43, the Bank may not—

Business which the Bank may not transact.

(1) engage in trade or otherwise have a direct interest in any commercial, industrial, or other undertaking, except such interest as it may in any way acquire in the course of the satisfaction of any of its claims: provided that all such interests shall be disposed of at the earliest possible moment;

(2) purchase its own shares or the shares of any other bank or of any company, or grant loans upon the security of any such shares;

(3) advance money on mortgage of, or otherwise on the security of, immovable property or documents of title relating thereto, or become the owner of immovable property, except so far as is necessary for its own business, premises and residences for its officers and servants;

(4) make unsecured loans or advances;

(5) draw or accept bills payable otherwise than on demand;

(6) allow interest on deposits or current accounts.

## CHAPTER III.

### CENTRAL BANKING FUNCTIONS.

**20.** The Bank shall undertake to accept monies for account of the Secretary of State in Council and the Governor-General in Council and such Local Governments as may have the custody and management of their own provincial revenues, and to make payments up to the amount standing to the credit of their accounts respectively, and to carry out their exchange, remittance and other banking operations, including the management of the public debt, on such conditions as may be agreed upon.

Obligation of the Bank to transact Government business.

**21.** (1) The Governor-General in Council and such Local Governments as may have the custody and management of their own provincial revenues

Bank to have the right to transact Government business in India.

shall undertake to entrust the Bank, on such conditions as may be agreed upon, with all their money, remittance, exchange, and banking transactions in India and, in particular, to deposit free of interest all their cash balances with the Bank:

Provided that nothing in this sub-section shall prevent the Governor-General in Council or any Local Government from carrying on money transactions at Government treasuries or sub-treasuries at places where the Bank has no branches or agencies, and the Governor-General in Council and Local Governments may hold at such treasuries and sub-treasuries such balances as they may require.

(*2*) The Governor-General in Council and each Local Government shall undertake to entrust the Bank, on such conditions as may be agreed upon, with the management of the public debts and with the issue of any new loans in India.

Right to issue bank notes

**22.** (*1*) The Bank shall have the sole right to issue paper money in British India, and may, for a period of one year from the date on which this Chapter comes into force, issue currency notes of the Government of India supplied to it by the Governor-General in Council, and the provisions of this Act applicable to bank notes shall, unless a contrary intention appears, apply to all currency notes of the Government of India issued either by the Governor-General in Council or by the Bank in like manner as if such currency notes were bank notes, and references in this Act to bank notes shall be construed accordingly.

(*2*) On and from the aforesaid date the Governor-General in Council shall not issue any currency notes or any other kind of paper money.

Issue Department.

**23.** (*1*) The issue of bank notes shall be conducted by the Bank in an Issue Department which shall be separated and kept wholly distinct from the Banking Department, and the assets of the Issue Department shall not be subject to any liability other than the liabilities of the Issue Department as hereinafter defined in section 34.

(*2*) The Issue Department shall not issue bank notes to the Banking Department or to any other person except in exchange for other bank notes or for such coin, bullion or securities as are permitted by this Act to form part of the Reserve.

Denominations of notes.

**24.** Bank notes shall be of the denominational values of five rupees, ten rupees, fifty rupees, one hundred rupees, five hundred rupees, one thousand rupees and ten thousand rupees, and of such other denominational values, if any, as may be directed by the Governor-General in Council.

Form of bank notes.

**25.** The design, form and material of bank notes shall be such as may be approved by the Governor-General in Council.

Legal tender character of notes.

(*1*) Subject to the provisions of sub-section (*2*), every bank note shall be legal tender at any place in British India in payment or on account for the amount expressed therein, and shall be guaranteed by the Governor-General in Council

(*2*) The Governor-General in Council may, by notification in the Gazette of India, declare that, with effect from such date as may be specified in the notification, any series of bank notes of any denomination, shall cease to be legal tender save at an office or agency of the Bank.

Re-issue of notes.

**27.** Any bank note re-issued from any office of the Bank shall be sterilized and disinfected before re-issue, and the Bank shall not re-issue bank notes which are torn, defaced or excessively soiled.

Recovery of notes lost, stolen, mutilated or imperfect.

**28.** Notwithstanding anything contained in any enactment or rule of law to the contrary, no person shall of right be entitled to recover from the Governor-General in Council or the Bank the value of any lost, stolen, mutilated or imperfect currency note of the Government of India or bank note:

Provided that the Bank may, with the previous sanction of the Governor-General in Council, prescribe the circumstances in and the conditions and limitations subject to which the value of such currency notes or bank notes may be refunded as of grace.

Bank exempt from stamp duty on bank notes.

**29.** The Bank shall not be liable to the payment of any stamp duty under the Indian Stamp Act, 1899, in respect of bank notes issued by it. II of 1

Powers of Government in respect of note issue and assets of the Bank in certain circumstances.

**30.** If at any time the Bank fails to comply with any provision of this Chapter or with any other provision of this Act, the Governor-General in Council may, by notification in the Gazette of India, declare that the Bank has forfeited the right of note issue, and shall thereupon take over the liabilities of the Issue Department, together with such portion of the assets of the Bank as is required to meet such liabilities, and thereafter the business of the Issue Department shall be carried on in the manner prescribed by this Act by such agency as the Governor-General in Council may determine.

Issue of demand bills and notes.

**31.** No person in British India other than the Bank or, as expressly authorised by this Act, the Governor-General in Council shall draw, accept, make or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe or take up any sum or sums of money on the bills, hundis or notes payable to bearer on demand of any such person:

Provided that cheques or drafts payable to bearer on demand or otherwise may be drawn

on a person's account with a banker, shroff or agent.

**32.** (*1*) Any person contravening the provisions of section 31 shall, on conviction by a Presidency Magistrate or a Magistrate of the first class, be punishable with fine equal to the amount of the bill, hundi, note or engagement in respect whereof the offence is committed.

Penalty.

(*2*) No prosecution under this section shall be instituted except on complaint made by the Bank.

**33.** (*1*) The assets of the Issue Department shall consist of gold coin, gold bullion, securities of sterling standard countries, rupee coin and rupee securities to such aggregate amount as is not less than the total of the liabilities of the Issue Department as hereinafter defined.

Assets of the Issue Department.

(*2*) Of the total amount of the assets, not less than two-fifths shall consist of gold coin, gold bullion or securities of sterling standard countries:

Provided that the amount of gold coin and gold bullion shall not at any time be less than thirty-five crores of rupees in value.

(*3*) The remainder of the assets shall be held in rupee coin, Government of India rupee securities of any maturity and such bills of exchange and promissory notes drawn and payable in British India as are eligible for purchase by the Bank under sub-clause (*a*) or sub-clause (*b*) of clause (*2*) of section 17 or under section 18:

Provided that the amount held in Government of India rupee securities shall not at any time exceed one-fourth of the total amount of the assets or fifty crores of rupees, whichever amount is less.

(*4*) For the purposes of this section, gold coin and gold bullion shall be valued at 8.47512 grains of fine gold per rupee, rupee coin shall be valued at its face value, and securities shall be valued at the market rate for the time being obtaining.

(*5*) Of the gold coin and gold bullion held as assets, not less than seventeen-twentieths shall be held in British India, and all gold coin and gold bullion held as assets shall be held in the custody of the Bank or its agencies:

Provided that gold belonging to the Bank which is in any other bank or in any mint or treasury or in transit may be reckoned as part of the assets.

(*6*) For the purposes of this section, the securities of a sterling standard country which may be held as part of the assets shall be securities of any of the following kinds payable in the currency of any of such sterling standard countries as may be specified in this behalf by the Governor-General in Council by notification in the Gazette of India, namely:—

(*a*) balances at the credit of the Issue Department with a bank which is the principal currency authority under the law for the time being in force of such country;

(*b*) bills of exchange bearing two or more good signatures and drawn on and payable at a place in any such country and having a maturity not exceeding ninety days;

(*c*) securities maturing within five years of the Government of any sterling standard country specified in this behalf by the Governor-General in Council by notification in the Gazette of India:

Provided that, for a period of two years from the date on which this Chapter comes into force,—

(*i*) any of such last mentioned securities may be securities maturing after five years, and the Bank may, at any time before the expiry of that period, dispose of such securities notwithstanding anything contained in section 17, and

(*ii*) sterling securities of the Government of India may be held as part of the assets.

**34.** (*1*) The liabilities of the Issue Department shall be an amount equal to the total of the amount of the currency notes of the Government of India and bank notes for the time being in circulation.

Liabilities of the Issue Department.

(*2*) For the purposes of this section, any currency note of the Government of India or bank note which has not been presented for payment within forty years from the 1st day of April following the date of its issue shall be deemed not to be in circulation, and the value thereof shall, notwithstanding anything contained in sub-section (*2*) of section 23, be paid by the Issue Department to the Governor-General in Council or the Banking Department, as the case may be; but any such note, if subsequently presented for payment, shall be paid by the Banking Department, and any such payment in the case of a currency note of the Government of India shall be debited to the Governor-General in Council.

**35.** On the date on which this Chapter comes into force, the Issue Department shall take over from the Governor-General in Council the liability for all the currency notes of the Government of India for the time being in circulation, and the Governor-General in Council shall transfer to the Issue Department gold coin, gold bullion, securities of sterling standard countries, rupee coin and rupee securities to such aggregate amount as is equal to the total of the amount of the liability so transferred. The coin, bullion and securities shall be transferred in such proportion as to comply with the requirements of section 33:

Initial assets and liabilities.

Provided that the total amount of the gold coin, gold bullion and securities of sterling standard countries so transferred shall not be less than one-half of the whole amount transferred, and that the amount of rupee coin so

transferred shall not exceed fifty crores of rupees.

Method of dealing with fluctuations in rupee coin assets.

**36.** (*1*) After the close of any financial year in which the minimum amount of rupee coin held in the assets, as shown in any of the weekly accounts of the Issue Department for that year prescribed under sub-section (*1*) of section 49, is greater than fifty crores of rupees or one-tenth of the total amount of the assets as shown in that account, whichever may be the greater, the Bank may deliver to the Governor-General in Council rupee coin up to the amount of such excess but not without his consent exceeding five crores of rupees, against payment of legal tender value in the form of bank notes, gold or securities:

Provided that if the Bank so desires and if the amount of gold coin, gold bullion and securities of a sterling standard country in the assets does not at that time exceed one-half of the total assets, a proportion not exceeding two-fifths of such payment shall be in gold coin, gold bullion or such securities of a sterling standard country as may be held as part of the assets under sub-section (*6*) of section 33.

(*2*) After the close of any financial year in which the maximum amount of rupee coin held in the assets, as so shown, is less than fifty crores of rupees or one-tenth of the total amount of the assets, as so shown, whichever may be the greater, the Governor-General in Council may deliver to the Bank rupee coin up to the amount of such deficiency, but not without his consent exceeding five crores of rupees, against payment of legal tender value.

Suspension of assets requirements.

**37.** (*1*) Notwithstanding anything contained in the foregoing provisions, the Bank may, with the previous sanction of the Governor-General in Council, for periods not exceeding thirty days in the first instance, which may, with the like sanction, be extended from time to time by periods not exceeding fifteen days, hold as assets gold coin, gold bullion or securities of a sterling standard country of less aggregate amount than that required by sub-section (*2*) of section 33 and, whilst the holding is so reduced, the proviso to that sub-section shall cease to be operative.

(*2*) In respect of any period during which the holding of gold coin, gold bullion and securities of a sterling standard country is reduced under sub-section (*1*), the Bank shall pay to the Governor-General in Council a tax upon the amount by which such holding is reduced below the minimum prescribed by sub-section (*2*) of section 33; and such tax shall be payable at the bank rate for the time being in force, with an addition of one per cent. per annum when such holding exceeds thirty-two and a half per cent. of the total amount of the assets and of a further one and a half per cent. per annum in respect of every further decrease of two and a half per cent. or part of such decrease:

Provided that the tax shall not in any event be payable at a rate less than six per cent. per annum.

Obligations of Government and the Bank in respect of rupee coin.

**38.** The Governor-General in Council shall undertake not to re-issue any rupee coin delivered under section 36 nor to put into circulation any new rupees, except through the Bank and as provided in that section; and the Bank shall undertake not to dispose of rupee coin otherwise than for the purposes of circulation or by delivery to the Governor-General in Council under that section.

Obligation to supply different forms of currency.

**39.** The Bank shall issue rupee coin on demand in exchange for currency notes of the Government of India, and shall issue currency notes or bank notes on demand in exchange for coin which is legal tender under the Indian Coinage Act, 1906, and it shall, in exchange for currency notes or bank notes of five rupees or upwards, supply currency notes or bank notes of lower value or rupees or other coins which are legal tender under the Indian Coinage Act, 1906, in such quantities as may, in the opinion of the Bank, be required for circulation; and the Governor-General in Council shall, subject to the provisions of section 36, supply such rupees or other coins to the Bank on demand. If the Governor-General in Council at any time fails to discharge this duty, the Bank shall be released from its obligations to supply such coins to the public.

II of 190

III of 1

Obilgation to sell sterling.

**40.** (*1*) The Bank shall sell, to any person who makes a demand in that behalf at its office in Bombay, Calcutta, Delhi, Madras or Rangoon and pays the purchase price in legal tender currency, sterling for immediate delivery in London, at a rate not below one shilling and five pence and forty-nine sixty-fourths of a penny for a rupee:

Provided that no person shall be entitled to demand to buy an amount of sterling less than ten thousand pounds.

Obligation to buy sterling.

**41.** The Bank shall buy, from any person who makes a demand in that behalf at its office in Bombay, Calcutta, Delhi, Madras or Rangoon, sterling for immediate delivery in London, at a rate not higher than one shilling and six pence and three-sixteenths of a penny for a rupee:

Provided that no person shall be entitled to demand to sell an amount of sterling less than ten thousand pounds.

Cash reserves of scheduled banks to be kept with the Bank.

**42.** (*1*) Every bank included in the Second Schedule shall maintain a balance with the Reserve Bank the amount of which shall at no time be less than seven and one-half per cent. of the daily average of the demand, and two and one-half per cent. of the daily average of the time liabilities of such bank in India.

(2) For the purposes of sub-section (1), the daily average of the amounts of the demand and time liabilities of each scheduled bank shall be computed in respect of each period ending on the fifteenth and on the last day of each month.

(3) Every such bank shall send to the Governor-General in Council and to the Bank a monthly return, signed by two responsible officers of such bank, showing—

(a) the amounts of its demand and time liabilities respectively in India,

(b) the total amount held in India in currency notes of the Government of India and bank notes,

(c) the amounts held in India in rupee coin and subsidiary coin respectively,

(d) the amounts of advances made and of bills discounted in India respectively, and

(e) the balance held at the Bank,

at the close of the month to which the return relates.

(4) Every such return shall be sent not later than fourteen days after the close of the month to which it relates, and shall state whether the bank has during that month maintained with the Reserve Bank the minimum balance required by sub-section (1).

(5) Any bank failing to comply with the provisions of sub-section (3) or sub-section (4) shall be liable, on application made by or on behalf of the Governor-General in Council to the principal Civil Court having jurisdiction in a place where an office of the bank is situated, to a penalty of one hundred rupees for each day during which the failure continues.

(6) When it appears from any such monthly return or from a report of the Central Board that any schedule bank has failed to maintain the minimum balance required by sub-section (1), the Governor-General in Council may call for such further return, or make such inspection of the books and accounts of that bank, as may be necessary to ascertain the amount of the deficiency, if any, and the period during which it has continued; and a bank so in default shall be liable, on application made by or on behalf of the Governor-General in Council to the principal Civil Court having jurisdiction in a place where an office of the bank is situated, to a penalty at a rate per annum which shall be three per cent. above the bank rate on the amout of the deficiency for each day during which the default has continued, and shall be raised to five per cent. above the bank rate after the first seven days of the deficiency.

(7) The Governor-General in Council shall, by notification in the *Gazette of India*, direct the inclusion in the Second Schedule of any company, not already so included, which carries on the business of banking in British India and which—

(a) is a company as defined in clause (2) of section 2 of the Indian Companies Act, 1913, or a corporation or company incorporated by or under any law in force in any place outside British India, and

VII of 1913.

(b) has a paid-up capital and reserves of an aggregate value of not less than three lakhs of rupees;

and shall, by a like notification, direct the exclusion from that Schedule of any scheduled bank the aggregate value of whose paid-up capital and reserves at any time becomes less than three lakhs of rupees, or which goes into liquidation or otherwise ceases to carry on banking business.

Agreement with the Imperial Bank.

**43.** The Bank shall enter into an agreement with the Imperial Bank of India which shall be subject to the approval of the Governor-General in Council, and shall be expressed to come into force on the date on which this Chapter comes into force and to remain in force for twenty-five years, and shall further contain the provisions set forth in the Third Schedule.

## CHAPTER IV.

### GENERAL PROVISIONS.

Allocation of surplus.

**44.** After making provision for bad and doubtful debts, depreciation in assets, contributions to staff and superannuation funds, and such other contingencies as are usually provided for by bankers, and after payment out of the net annual profits of a cumulative dividend at such rate not exceeding five per cent. per annum on the share capital as the Governor-General in Council may fix at the time of the issue of shares, the surplus shall be allocated as follows:—

(a) one-half to a Reserve Fund, until such Reserve Fund is equal to one-half of the share capital, and the remaining one-half to the Governor-General in Council;

(b) thereafter, until the Reserve Fund is equal to the share capital, one-tenth to the Reserve Fund, and the balance to the Governor-General in Council; and

(c) when and for so long as the Reserve Fund is not less than the share capital, a portion to an additional dividend to the shareholders calculated on the scale set forth in the Fourth Schedule, and the balance to the Governor-General in Council:

Provided that, so long as the Reserve Fund is less than the share capital, not less than fifty lakhs of rupees of the surplus, or the whole of the surplus if less than that amount, shall be allocated to the Reserve Fund.

Publication of bank rate.

**45.** The Bank shall make public from time to time the minimum rate at which it is prepared to buy or re-discount bills of exchange or other commercial paper eligible for purchase under this Act.

Auditors.

**46.** (1) Not less than two auditors shall be elected and their remuneration fixed at the annual general meeting. The auditors may be

share-holders, but no Director or other officer of the Bank shall be eligible during his continuance in office. Any auditor shall be eligible for re-election on quitting office.

(2) The first auditors of the Bank may be appointed by the Central Board before the first annual general meeting and, if so appointed, shall hold office only until that meeting. All auditors elected under this section shall severally be, and continue to act as, auditors until the first annual general meeting after their respective elections:

Provided that any casual vacancy in the office of any auditor elected under this section may be filled by the Central Board.

Appointment of special auditors by Government.

**47.** Without prejudice to anything contained in section 46, the Governor-General in Council may at any time appoint such auditors as he thinks fit to examine and report upon the accounts of the Bank.

Powers and duties of auditors.

**48.** (1) Every auditor shall be supplied with a copy of the annual balance sheet, and it shall be his duty to examine the same, together with the accounts and vouchers relating thereto; and every auditor shall have a list delivered to him of all books kept by the Bank, and shall at all reasonable times have access to the books, accounts and other documents of the Bank, and may, at the expense of the Bank if appointed by it or at the expense of the Governor-General in Council if appointed by him, employ accountants or other persons to assist him in investigating such accounts, and may, in relation to such accounts, examine any Director or officer of the Bank.

(2) The auditors shall make a report to the shareholders or to the Governor-General in Council, as the case may be, upon the annual balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the state of the Bank's affairs, and, in case they have called for any explanation or information from the Central Board, whether it has been given and whether it is satisfactory. Any such report made to the shareholders shall be read, together with the report of the Central Board, at the annual general meeting.

Returns.

**49.** (1) The Bank shall prepare and transmit to the Governor-General in Council a weekly acount of the Issue Department and of the Banking Department in the form set out in the Fifth Schedule or in such other form as the Governor-General in Council may, by notification in the Gazette of India, prescribe. The Governor-General in Council shall cause these accounts to be published weekly in the Gazette of India.

(2) The Bank shall also, within two months from the date on which the annual accounts of the Bank are closed, transmit to the Governor-General in Council a copy of the annual accounts signed by the Governor, the Deputy Governors and the Chief Accounting Officer of the Bank, and certified by the auditors, and the Governor-General in Council shall cause such accounts to be published in the Gazette of India.

(3) The Bank shall also, within two months from the date on which the annual accounts of the Bank are closed, transmit to the Governor-General in Council a statement showing the name, address and occupation of, and the number of shares held by, each shareholder of the Bank.

Power to require declaration as to ownership of registered shares.

**50.** (1) The Local Board of any area may at any time require any shareholder who is registered on the Register for that area to furnish to the Local Board within a specified time, not being less than thirty days, a declaration, in such form as the Central Board may by regulations prescribe, giving particulars of all shares on the said Register of which he is the owner.

(2) If it appears from such declaration that any shareholder is not the owner of any shares which are registered in his name, the Local Board may amend the Register accordingly.

(3) If any person required to make a declaration under sub-section (1) fails to make such declaration within the specified time, the Local Board may make an entry against his name in the Register recording such failure and directing that he shall have no right to vote, either under section 9 or section 14, by reason of the shares registered in his name on that Register.

(4) Whoever makes a false statement in any declaration furnished by him under sub-section (1) shall be deemed to have committed the offence of giving false evidence defined in section 191 of the Indian Penal Code, and shall be punishable under the second paragraph of section 192 of that Code.

Liquidation of the Bank.

**51.** (1) Nothing in the Indian Companies Act, 1913, shall apply to the Bank, and the Bank shall not be placed in voluntary or compulsory liquidation save with the sanction of the Governor-General in Council and in such manner as he may direct.

(2) In such event the Reserve Fund and surplus assets, if any, of the Bank shall be divided between the Governor-General in Council and the shareholders in the proportion of seventy-five per cent. and twenty-five per cent., respectively.

Power of the Central Board to make regulations.

**52.** (1) The Central Board may, with the previous sanction of the Governor-General in Council, make regulations consistent with this Act to provide for all matters for which provision is necessary or convenient for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such

regulations may provide for all or any of the following matters, namely:—

(a) the holding and conduct of elections under this Act, including, if the Central Board thinks fit, provisions for the holding of any elections according to the principle of proportional representation by means of the single transferable vote;

(b) for the final decision of doubts or disputes regarding the qualifications of candidates for election or regarding the validity of elections;

(c) the maintenance of the share register, the manner in which, and the conditions subject to which, shares may be held and transferred, and, generally, all matters relating to the rights and duties of shareholders;

(d) the manner in which general meetings shall be convened, the procedure to be followed thereat and the manner in which votes may be exercised;

(e) the manner in which notices may be served on behalf of the Bank upon shareholders or other persons;

(f) the manner in which the business of the Central Board shall be transacted, and the procedure to be followed at meetings thereof;

(g) the conduct of business of Local Boards and the delegations to such Boards of powers and functions;

(h) the delegation of powers and functions of the Central Board to the Governor, or to Deputy Governors, Directors or officers of the Bank;

(i) the formation of Committees of the Central Board, the delegation of powers and functions of the Central Board to such Committees, and the conduct of business in such Committees;

(j) the constitution and management of staff and superannuation funds for the officers and servants of the Bank;

(k) the manner and form in which contracts binding on the Bank may be executed;

(l) the provision of an official seal of the Bank and the manner and effect of its use;

(m) the manner and form in which the balance sheet of the Bank shall be drawn up, and in which the accounts shall be maintained;

(n) the circumstances in which, and the conditions and limitations subject to which, the value of any lost, stolen, mutilated or imperfect currency note of the Government of India or bank note may be refunded; and

(o) generally, for the efficient conduct of the business of the Bank.

Amendment of Act III of 1906.

**53.** In the Indian Coinage Act, 1906, for section 11 the following section shall be substituted, namely:— III of 1906.

Demonetisation of sovereign and half-sovereign.

"11. Gold coins, coined at His Majesty's Royal Mint in England or at any mint established in pursuance of a proclamation of His Majesty as a branch of His Majesty's Royal Mint, shall not be legal tender in British India in payment or on account, but such coins shall be received by the Reserve Bank of India at its offices and agencies in India at the bullion value of such coins calculated at the rate of 8·47512 grains troy of fine gold per rupee."

Repeals.

**54.** The Indian Paper Currency Act, 1923, the Indian Paper Currency (Amendment) Act, 1923, the Indian Paper Currency (Amendment) Act, 1925, and the Currency Act, 1927, are hereby repealed. X of 1923. XXXVI of 1923. II of 1925. IV of 1927.

## THE FIRST SCHEDULE.

[*See section 4.*]

AREAS SERVED BY THE VARIOUS SHARE REGISTERS.

I. The WESTERN AREA, served by the BOMBAY Register, shall consist of—

the Bombay Presidency including Sind, the Central Provinces, Berar, Hyderabad, Baroda, Khairpur, the Western India States, the Central India States (including Makrai but excluding Rewah and other States of Bundelkhand and Baghelkhand), the Gujerat States, Kolhapur and the Deccan States.

II. The EASTERN AREA, served by the CALCUTTA Register, shall consist of—

the Bengal Presidency, Bihar and Orissa, Assam, Sikkim, Manipur, Cooch-Behar, Tripura, the Eastern States, Rewah and other States of Bundelkhand and Baghelkhand, and the Khasi States.

III. The NORTHERN AREA, served by the DELHI Register, shall consist of—

the United Provinces, Delhi, the Punjab, the North-West Frontier Province, Ajmer-Merwara, Baluchistan, Kashmir, the Punjab States excluding Khairpur, the Simla Hill States, Dujana, Pataudi, Kalsia, Rampur, Tehri-Garhwal, Benares, the Rajputana States including Palanpur and Danta, Gwalior, Khaniadhana, Kalat, Las Bela, Hunza, Nagir, Amb, Chitral, Dir, Phulera and Swat.

IV. The SOUTHERN AREA, served by the MADRAS Register, shall consist of—the Madras Presidency, Coorg, Mysore and the Madras States.

V. The BURMA AREA, served by the RANGOON Register, shall consist of—Burma, the Andaman and Nicobar Islands, Bawlake, Bantarawadi, and Kyebogyi.

## THE SECOND SCHEDULE.

[*See section 43 and section 2 (g).*]

SCHEDULED BANKS.

Ajodhia Bank, Fyzabad.
Allahabad Bank.
American Express Company Incorporated.
Banco Nacional Ultramarino.
Bangalore Bank.
Bank of Baroda.
Bank of Behar.
Bank of Chettinad, Madras.
Bank of Hindustan, Madras.
Bank of India, Bombay.
Bank of Indore.
Bank of Mysore.
Bank of Taiwan.
Bank of Upper Burma.
Bari Doab Bank, Lahore.
Benares Bank.
Bhowanipore Banking Corporation, Calcutta.
Bhagwan Das & Co., Dehra Dun.
Byopar Sahayak Bank, Meerut.
Calicut Bank, Calicut.
Canara Bank.
Canara Banking Corporation, Udipi (S. Kanara).
Central Bank of India.
Chartered Bank of India, Australia and China.
Chota Nagpur Banking Association.
Coimbatore Town Bank.
Comptoir Nationale d'Escompte de Paris.
Eastern Bank.
Frontier Bank, Dera Ismail Khan.
Grindlay and Company.
Hongkong and Shanghai Banking Corporation.
Imperial Bank of India.
Imperial Bank of Persia.
Indian Bank, Madras.
Industrial Bank of Western India, Ahmedabad.
Jalpaiguri Banking and Trading Corporation.
Karnani Industrial Bank.
Kumbakonam Bank, Kumbakonam.
Lloyds Bank.
Mahaluxmi Bank, Chittagong.
Mercantile Bank of India.
Mitsui Bank, Bombay.
Muffassil Bank, Gorakhpur.
Mysore Industrial Bank, Bangalore.
Nadar Bank, Tuticorin.
National Bank of India.
National City Bank of New York.
Nederlandsche Indische Handels-bank.
Nederlandsche Handel-Maatschappij.
Nedungadi Bank, Calicut.
Oudh Commercial Bank.
Pangal Nayak Bank, Udipi.
P. and O. Banking Corporation.
Punjab and Kashmir Bank, Rawalpindi.
Punjab and Sind Bank, Amritsar.
Punjab Co-operative Bank, Amritsar.
Punjab National Bank, Lahore.
Punjab Zamindars' Bank, Lyallpur.
Quilon Bank, Travancore.
Raikut Industrial Bank, Jalpaiguri.
Simla Banking and Industrial Company.
South India Bank, Tinnevelly.
State Aided Bank of Travancore, Alleppey.
Thomas Cook & Sons.
Travancore Commercial Bank, Kottayam.
Travancore National Bank, Tiruvalla.
Union Bank of India, Bombay.
U. Rai Gyaw Thoo and Co., Akyab.
Yokohama Specie Bank.

## THE THIRD SCHEDULE.

(*See section 43.*)

*Provisions to be contained in the agreement between the Reserve Bank of India and the Imperial Bank of India.*

1. The Imperial Bank of India shall be the sole agent of the Reserve Bank of India at all places in British India where, at the commencement of the Reserve Bank of India Act, 1933, there is a branch of the Imperial Bank of India and no branch of the Banking Department of the Reserve Bank of India.

2. In consideration of the performance by the Imperial Bank of India on behalf of the Reserve Bank of India of the functions which the Imperial Bank of India was performing on behalf of the Governor-General in Council at the places referred to in clause 1 before the coming into force of the Reserve Bank of India Act, 1933, the Reserve Bank of India shall pay to the Imperial Bank of India a commission calculated on the total of the receipts and disbursements dealt with annually on account of Government by the Imperial Bank of India on behalf of the Reserve Bank of India. Such commission shall be one-sixteenth of one per cent. on the first 250 crores of such total and one-thirty-second of one per cent. on the remainder.

3. Subject to the condition that the Imperial Bank of India shall keep open branches not less in number than those existing at the time of the coming into force of the Reserve Bank of India Act, 1933, the Reserve Bank of India shall allow the following balances to the Imperial Bank of India at the interest rates hereinafter specified, namely:—

(a) during the first five years from that time—3 crores free of interest;

(b) during the next five years—2 crores free of interest and, at the option of the Imperial Bank of India, an amount not exceeding 1 crore at 2 per cent. per annum;

(c) during the next five years—1 crore free of interest and, at the option of the Imperial Bank of India, an amount not exceeding 2 crores at 2 per cent. per annum; and

(d) during the next five years—at the option of the Imperial Bank of India, an amount not exceeding 3 crores at 2 per cent. per annum.

4. The Imperial Bank of India shall not without the approval of the Reserve Bank of India open any branch in substitution for a branch existing at the time this agreement comes into force.

## THE FOURTH SCHEDULE.

(*See section 44.*)

*Scale of additional dividend payable to shareholders.*

A. If the maximum rate of dividend fixed under section 44 is five per centum and so long as the share capital of the Bank is five crores of rupees—

(1) if the surplus does not exceed four crores of rupees—*Nil*;

(2) if the surplus exceeds four crores of rupees—

(a) out of such excess up to the first one and a half crores of rupees—a fraction equal to one-sixtieth;

(b) out of each successive additional excess up to one and a half crores of rupees—one-half of the fraction payable out of the next previous one and a half crores of excess:

Provided that the additional dividend shall be a multiple of one-eighth of one per cent. on the share capital, the amount of the surplus allocated thereto being rounded up or down to the nearest one-eighth of one per cent. on the share capital.

B. If the maximum rate of dividend fixed under section 44 is below five per centum, the said fraction of one-sixtieth shall be increased in the ratio of the difference between six and the fixed rate to unity.

C. When the original share capital of the Bank has been increased or reduced, the said fraction of one-sixtieth shall be increased or diminished in proportion to the increase or reduction of the share capital.

## THE FIFTH SCHEDULE.

(*See section 49.*)

RESERVE BANK OF INDIA.

*An Account pursuant to the Reserve Bank of India Act, 1933, for the week ending on the day of*

ISSUE DEPARTMENT.

| *Liabilities.* | Rs. | *Assets.* | Rs. |
|---|---|---|---|
| Bank Notes held in the Banking Department .. | | A. Gold coin and bullion— | |
| Bank Notes in circulation .. | | (a) held in India .. | |
| | | (b) held outside India .. | |
| | | Securities of sterling standard countries .. | |
| Total Bank Notes issued .. | | Total of A. .. | |
| Government of India Notes in circulation .. | | B. Rupee coin— | |
| | | Government of India rupee securities | |
| | | Internal bills of exchange and other commercial paper .. | |
| Total Libilities .. | | Total Assets .. | |

## NOTES ON CLAUSES.

[In these Notes "Report" means the report of the Committee on Indian Reserve Bank Legislation, 1933, and "1928 Bill" means the Gold Standard and Reserve Bank of India Bill, 1928.]

*Preamble*.—The wording is intended to give effect to paragraph 19 of the Report.

*Clause 1* reproduces clause 1 of the 1928 Bill with the following alterations:—

(*a*) In sub-clause (*3*) the date and the proviso giving dates for postponement have been omitted.

(*b*) Sub-clause (*4*) has been drafted in pursuance of the Committee's recommendation relating to this sub-clause, contained in Appendix I to the Report. Their intention was to provide a statutory assurance to the Bank when constituted that the provisions of Chapter III, relating to its central banking functions, would remain in operation for a period of not less than twenty-five years. It is recognised, however, that the sub-clause is inoperative as it cannot bind the Legislature in the future; and it will be for consideration at a later stage whether this assurance would not be more suitably expressed in clause 50, in the form of a limitation on the power of the Governor-General in Council to grant sanction to the liquidation of the Bank.

*Clause 2* follows clause 2 of the 1928 Bill. Some of the definitions have been omitted as unnecessary. The only alteration of substance is in sub-clause (*d*), where the definition of a gold standard country has been replaced by that of a sterling standard country, *vide* Appendix I of the Report [note on clause 2 (*g*) of the 1928 Bill].

*Clause 4* follows clause 4 of the 1928 Bill with alterations made in accordance with paragraphs 3, 4 and 14 of the Report. In sub-clause (*5*) the distribution is as indicated in paragraphs 6 and 7 of the Report and the Rangoon register has been retained, *vide* paragraph 2 of the Report. Sub-clause (*6*) has been drafted with a view to giving effect to the intention of the Report and will require special consideration in the Joint Committee.

*Clause 6* has been altered so as to make the establishment of a London branch optional, *vide* paragraph 8 of the Report.

*Clauses 8 to 13* reproduce the proposals for the constitution of the Central Board, the method of election, the qualifications and disqualifications of candidates, the method of filling casual vacancies, and the provision for Local Boards, indicated in paragraphs 5 to 13 of the Report under the general head "The Board of the Bank". The opportunity has also been taken to rearrange clauses 8 to 13 of the 1928 Bill so as to make the arrangement clearer.

*Clause 9* is new; it embodies the recommendations regarding Local Boards in paragraph 9 of the Report, and replaces the scheme of electoral colleges contained in clause 10 of the 1928 Bill.

*Clause 10* embodies the recommendations in paragraphs 10 and 11 of the Report. It follows clause 8 of the 1928 Bill *mutatis mutandis*.

*Clause 11* is drafted to give effect in a practical form to the intentions of the comments in Appendix I of the Report on clause 11 (*1*) of the 1928 Bill.

*Clause 12*.—Sub-clause (*2*) has been drafted so as to give effect to the recommendation in the last sentence of paragraph 7 of the Report.

The rule-making powers contained in clause 13 of the 1928 Bill have been given to the Central Board and transferred to clause 52, where they appear as clauses (*a*) and (*b*) of sub-clause (*2*) (*vide* notes in Appendix I of the Report on that clause).

*Clause 13*.—Sub-clause (*2*) is new, and fills what appears to have been an omission from the 1928 Bill.

*Clause 15* reproduces clause 16 of the 1928 Bill with the necessary modifications to give effect to the recommendations of paragraph 12 of the Report, and the different method for the election of Directors now proposed.

Sub-clause (*4*) represents an attempt to provide "suitable arrangements............for retirement by rotation" as recommended in paragraph 12 of the Report.

*Clause 17* reproduces clause 17 of the 1928 Bill with the inclusion of the points made in Appendix I of the Report.

*Clause 18* reproduces clause 18 of the 1928 Bill with the addition of provision designed to meet the recommendation in the last sentence of paragraph 18 of the Report.

*Clause 30* reproduces clause 43 of the 1928 Bill; it is placed here so as to make the arrangement clearer.

*Clause 33* reproduces clause 31 of the 1928 Bill with the following alterations:—

(*a*) Sub-clause (*2*) incorporates the provision regarding gold suggested in paragraph 24 of the Report.

(*b*) Sub-clause (*3*).—Holding of Government of India rupee securities.—The provisions of the 1928 Bill have been followed without alteration for the present, but the point raised in paragraph 22 of the Report is reserved for consideration in Joint Committee.

(*c*) Sub-clause (*4*).—For the time being gold has been valued on the principle recommended in paragraph 25 of the Report, the question of the allocation of the profits, if any, on realization or revaluation being left for later consideration. This will properly be dealt with in a separate agreement between Government and the Reserve Bank. This point is reserved for consideration at the Committee stage.

(*d*) Sub-clause (*6*) (*c*).—Gold securities have been replaced by sterling securities as recommended in paragraph 23 of the Report.

*Clause 34* reproduces clause 32 of the 1928 Bill with the modifications regarding the Rupee Redemption Fund indicated in paragraph 21 of the Report.

*Clause 36* is new, replacing clauses 34 and 35 of the 1928 Bill. It embodies the recommendations of the Committee in paragraph 21 regarding the transfer of rupee coin between Government and the Bank.

*Clause 37* reproduces clause 41 of the 1928 Bill. It has been transferred here for the purpose recommended in paragraph 26 of the Report.

*Clauses 40 and 41* contain the new provisions regarding the purchase and sale of sterling exchange, *vide* paragraphs 19 and 20 of the Report. Clause 40 of course takes the place of clauses 38 and 39 of the 1928 Bill providing for the obligation to sell gold or gold exchange. Clause 40 of the 1928 Bill has been omitted as it would be inoperative.

*Clause 42* reproduces clause 44 of the 1928 Bill without alteration, the principle of this clause having been approved in paragraph 28 of the Report. The detailed application of this principle, however, must receive careful consideration as recommended in paragraph 28 and the Committee stage will offer a convenient opportunity for this.

*Clause 43* reproduces the old clause 45, *vide* paragraphs 29 and 31 of the Report. The Second Schedule giving the arrangements to be made with the Imperial Bank has also been left unaltered for the present but will be another matter for consideration in Joint Committee.

*Clause 44* reproduces clause 46 of the old Bill but the Fourth Schedule (old Schedule Three) has been modified so as to provide for a maximum 6 per cent. dividend—*vide* paragraph 27 of the report; *vide* also note on the Fourth Schedule.

*Clause 50.*—This represents a tentative working out of the suggestion contained in the note on clause 15 (*2*) in Appendix I to the Report. The subject presents serious difficulties which will have to be considered at a later stage.

*Clause 52.*—Certain modifications and additions have been made in the regulation-making powers (*vide* note on clause 13 of the 1928 Bill *ante*).

*The First Schedule.*—This has been framed in accordance with the recommendations in paragraph 7 of the Report. Appendix II of the Report has been amplified, in accordance with current distribution and nomenclature.

*The Second Schedule.*—The First Schedule of the 1928 Bill has been brought up to date in accordance with the latest information available. It may, however, be altered in the light of later information before the Bill comes up for final consideration.

*The Fourth Schedule* (*vide* note on clause 44) provides for a maximum dividend of six per cent. to be reached by stages diminishing by fifty per cent. successively with a minimum rise of ⅛ per cent. Thus, if the fixed minimum dividend is five per cent., it will be raised to 5½ per cent. if the distributable surplus rises to 5½ crores, to 5¾ per cent. if it rises to 7 crores, and so on. If the fixed minimum is 4 per cent., the stages will be 5 per cent., 5½ per cent., and so on. This follows the provisions of the Third Schedule of the 1928 Bill, except for the fact that the 1928 Schedule provided for a maximum dividend of seven per cent.

*The Fifth Schedule* reproduces the Fourth Schedule of the 1928 Bill with the alterations necessitated by the modifications in the body of the Bill.

MD. RAFI,
*Offg. Secy. to the Govt. of India.*

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GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 8th September, 1933:—

L. A. BILL NO. 42 OF 1933.

### THE FACTORIES BILL, 1933.

CONTENTS.

CHAPTER I.

PRELIMINARY.

## CHAPTER III.

### HEALTH AND SAFETY.



## CHAPTER IV.

### RESTRICTIONS ON WORKING HOURS OF ADULTS.



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## CHAPTER V.

### SPECIAL PROVISIONS FOR ADOLESCENTS AND CHILDREN.



## CHAPTER VI.

### PENALTIES AND PROCEDURE.

CHAPTER VII.

SUPPLEMENTAL.



THE SCHEDULE.

*A Bill to Consolidate and amend the law regulating labour in factories.*

WHEREAS it is expedient to consolidate and amend the law regulating labour in factories; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

**1.** (*1*) This Act may be called the Factories Act, 1933.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall come into force on the 1st day of July, 1934.

Definitions.

**2.** In this Act, unless there is anything repugnant in the subject or context—

(*a*) "adolescent" means a person who has completed his fifteenth but has not completed his seventeenth year;

(*b*) "adult" means a person who has completed his seventeenth year;

(*c*) "child" means a person who has not completed his fifteenth year;

(*d*) "day" means a period of twenty-four hours beginning at midnight;

(*e*) "week" means a period of seven days beginning at midnight on Saturday night;

(*f*) "power" means any form of mechanical or electrical power;

(*g*) "manufacturing process" means any process—

(*i*) for making, altering or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or

(*ii*) for generating, transforming or transmitting power;

(*h*) "worker" means a person employed in any manufacturing process, or in any work required for the proper carrying on of a manufacturing process, but does not include any person employed only for an occasional piece of work required for the proper carrying on of a manufacturing process;

(*j*) "factory" means any premises whereon a manufacturing process is carried on with the aid of power, and whereon twenty or more workers are working, or were working on any day of the preceding twelve months,

but does not include a mine subject to the operation of the Indian Mines Act, 1923; IV of 1923.

(*k*) "machinery" includes all plant whereby power is generated, transformed, or transmitted;

(*l*) "occupier" of a factory means the person who has ultimate control over the affairs of the factory:

Provided that where the affairs of a factory are entrusted to a managing agent or agents, such agent or agents shall be deemed to be the occupier of the factory;

(*m*) where work of the same kind is carried out by two or more bodies of workers working during different periods of the day, each of such bodies is called a "relay", and the period for which it works is called a "shift"; and

(*n*) "prescribed" means prescribed by rules made by the Local Government under this Act.

References to time of day.

**3.** References to time of day in this Act are references—

(*a*) in British India, excluding Burma, to Indian Standard Time, which is five and a half hours ahead of Greenwich Mean Time, and

(*b*) in Burma, to Burma Standard Time, which is six and a half hours ahead of Greenwich Mean Time:

Provided that for any area in British India in which Indian Standard Time is not ordinarily observed the Local Government may make rules—

(*i*) specifying the area,

(*ii*) defining the local mean time ordinarily observed therein, and

(*iii*) permitting such time to be observed in all or any of the factories situated in the area.

Seasonal factories.

**4.** (*1*) For the purposes of this Act, a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, the decortication of ground nuts, or the manufacture of coffee, indigo, lac, rubber, sugar (including *gur*) or tea, is a seasonal factory:

Provided that the Local Government may, by notification in the local official Gazette, declare any such factory in which manufacturing processes are ordinarily carried on for

more than 180 working days in the year, not to be a seasonal factory for the purposes of this Act.

(2) The Local Government may, by notification in the local official Gazette, declare any specified factory in which manufacturing processes are ordinarily carried on for not more than 180 working days in the year and cannot be carried on except during particular seasons or at times dependent on the irregular action of natural forces, to be a seasonal factory for the purposes of this Act.

Power to declare small ventures to be factories.

**5.** (1) Notwithstanding anything contained in clause (j) of section 2, the Local Government may, by notification in the local official Gazette, declare any premises whereon a manufacturing process is carried on, whether with or without the aid of power, and whereon, on any one day of the twelve months preceding the notification, ten or more workers were employed, to be a factory for all or any of the purposes of this Act.

(2) A notification under sub-section (1) may be made in respect of any specified premises or class of premises.

(3) A notification under sub-section (1) shall cease to have effect in respect of any premises after the lapse of twelve months during which not more than nine workers were employed thereon on any day.

Power to declare departments to be separate factories.

**6.** The Local Government may, subject to the control of the Governor-General in Council, by order in writing, direct that the different departments or branches of a specified factory shall be treated as separate factories for all or any of the purposes of this Act.

Power to exempt on a change in the factory.

**7.** Where the Local Government is satisfied that, following upon a change of occupier of a factory or in the manufacturing processes carried on therein, the number of workers for the time being working in the factory is less than twenty and is not likely to be twenty or more on any day during the ensuing twelve months, it may, by order in writing, exempt such factory from the operation of this Act:

Provided that any exemption so granted shall cease to have effect on and after any day on which twenty or more workers work in the factory.

Power to exempt during public emergency.

**8.** In any case of public emergency the Governor-General in Council may, by notification in the Gazette of India, exempt any factory from any or all of the provisions of this Act for such period as he may think fit.

Notice to Inspector before commencement of work.

**9.** (1) Before work is begun in any factory after the commencement of this Act, or before work is begun in any seasonal factory each season, the occupier shall send to the Inspector a written notice containing—

(a) the name of the factory and its situation,

(b) the address to which communications relating to the factory should be sent,

(c) the nature of the manufacturing processes to be carried on in the factory,

(d) the nature and amount of the power to be used, and

(e) the name of the person who shall be the manager of the factory for the purposes of this Act.

(2) Whenever another person is appointed as manager, the occupier shall send to the Inspector a written notice of the change, within seven days from the date on which the new manager assumes charge.

(3) During any period for which no person has been designated as manager of a factory under this section, or during which the person designated does not manage the factory, any person found acting as manager, or, if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for the purposes of this Act.

## CHAPTER II.

### THE INSPECTING STAFF.

Inspectors.

**10.** (1) The Local Government may, by notification in the local official Gazette, appoint such persons as it thinks fit to be Inspectors of factories within such local limits as it may assign to them respectively.

(2) No person shall be appointed to be an Inspector under sub-section (1), or, having been so appointed, shall continue to hold the office of Inspector, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(3) Every District Magistrate shall be an Inspector of factories for his district.

(4) The Local Government may also, by notification as aforesaid and subject to the control of the Governor-General in Council, appoint such public officers as it thinks fit to be additional Inspectors for all or any of the purposes of this Act, within such local limits as it may assign to them respectively.

(5) In any area where there are more Inspectors than one, the Local Government may, by notification as aforesaid, declare the powers which such Inspectors shall respectively exercise, and the Inspector to whom the prescribed notices are to be sent.

(6) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code and shall be officially subordinate to such authority as the Local Government may specify in this behalf. XLV

Powers of Inspectors.

**11.** Subject to any rules in this behalf, an Inspector may, within the local limits for which he is appointed,—

(a) enter, with such assistants (if any) as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory;

(b) make such examination of the premises and machinery and of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act; and

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

Chief Inspector.

**12.** The Local Government may, by notification in the local official Gazette, appoint any person to the Chief Inspector, who shall, in addition to the powers conferred on a Chief Inspector under this Act, exercise the powers of an Inspector throughout the whole of the province.

Certifying surgeons.

**13.** (1) The Local Government may appoint such qualified medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Act within such local limits as it may assign to them respectively.

(2) No person shall be appointed to be a certifying surgeon under sub-section (1), or having been so appointed, shall continue to hold the office of certifying surgeon, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

Delegation of certifying surgeons' powers.

**14.** A certifying surgeon may authorise any registered medical practitioner to exercise any of his powers under this Act:

Provided that a certificate of fitness for employment granted by such authorised practitioner shall be valid for a period of three months only, unless it is confirmed by the certifying surgeon himself after examination of the person concerned.

*Explanation.*—In this section a "registered medical practitioner" means any person registered under the Medical Act, 1858, or any subsequent enactment amending it, or under any Act of any legislature in British India providing for the maintenance of a register of medical practitioners, and includes, in any area where no such register is maintained, any person declared by the Local Government, by notification in the local official Gazette, to be a registered medical practitioner for the purposes of this section.

## CHAPTER III.

### HEALTH AND SAFETY.

Cleanliness.

**15.** Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and shall be cleansed at the prescribed times and by the prescribed methods which may include lime-washing, painting, varnishing, disinfecting and deodorising.

Ventilation.

**16.** (1) Every factory shall be ventilated in accordance with such standard and by such methods as may be prescribed.

(2) Where gas, dust or other impurity is generated in the course of work, adequate measures shall be taken to prevent injury to the health of workers.

(3) If it appears to the Inspector that in any factory gas, dust or other impurity generated in the course of work is being inhaled by the workers to an injurious extent, and that such generation or inhalation could be prevented by the use of mechanical or other devices, he may serve on the manager of the factory an order in writing, directing that mechanical or other devices of proper construction for preventing such generation or inhalation shall be provided before a specified date, and shall thereafter be maintained in good order and used throughout working hours.

(4) The Local Government may make rules for any class of factories requiring mechanical or other devices to be provided to prevent the generation or inhalation of gas, dust or other impurities which may be injurious to workers and specifying the nature of such devices.

Artificial humidification.

**17.** (1) The Local Government may make rules prescribing standards for the cooling properties of the air in factories in which the humidity of the air is artificially increased, and regulating the methods used for artificially increasing the humidity of the air.

(2) In any factory in which the humidity of the air is artificially increased, the water used for the purpose shall be taken from a public supply or other source of drinking water, or shall be effectively purified before it is so used.

(3) If it appears to the Inspector that the water used in a factory for increasing humidity which is required to be effectively purified under sub-section (2) is not effectively purified, he may serve on the manager an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

Cooling.

**18.** If it appears to the Chief Inspector or to an Inspector specially authorised in this behalf by the Local Government that the cooling properties of the air in any factory are at times insufficient to secure workers against injury to health or against serious discomfort, and that they can be to a great extent increased by measures which will not involve an amount of expense which is unreasonable in the circumstances, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

Overcrowding.

**19.** In order that no room in a factory shall be crowded during working hours to a dangerous extent or to an extent which may be injurious to the health of the workers, the

proportion which the number of cubic feet of space in a room and the number of superficial feet of its floor area bears the number of workers working at any time therein shall not be less than the prescribed standards.

**20.** (*1*) A factory shall be sufficiently lighted during all working hours.

Lighting.

(*2*) If it appears to the Inspector that any factory is not so lighted, he may serve on the manager an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a pecified date.

(*3*) The Local Government may make rules requiring that all factories of specified classes, which in its opinion are generally insufficiently lighted, shall be lighted in accordance with prescribed standards.

**21.** (*1*) In every factory a sufficient supply of water fit for drinking shall be provided for the workers, at suitable places, according to the prescribed standards.

Water.

(*2*) In every factory in which any process involving contact by the workers with injurious or obnoxious substances is carried on, a sufficient supply of water suitable for washing shall be provided for the use of workers, at suitable places and with facilities for its use, according to the prescribed standards.

**22.** In every factory sufficient latrines and urinals, according to the prescribed standards, shall be provided, for male workers and for female workers separately, of a suitable pattern and at convenient places as prescribed, and shall be kept in a reasonably clean condition during all working hours.

Latrines and urinals.

**23.** In every factory the doors of each room in which more than twenty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards, or, where the door is between two rooms, in the direction of the nearest exit from the building.

Doors to open outwards.

**24.** (*1*) Every factory shall be provided with such means of escape in case of fire as can reasonably be required in the circumstances of each factory.

Precautions against fire.

(*2*) If it appears to the Inspector that any factory is not so provided, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(*3*) In every factory such other precautions against fire shall be taken as may be prescribed.

**25.** (*1*) In every factory the following shall be kept securely fenced, namely:—

Fencing of machinery.

(*a*) every exposed part of a prime mover and every flywheel directly connected to a prime mover,

(*b*) every hoist or lift, hoist-well or lift-well, and every trap-door or similar opening near which any person may have to work or pass, and

(*c*) every part of the machinery which the Local Government may prescribe.

(*2*) If it appears to the Inspector that any other part of the machinery in a factory is dangerous if not adequately fenced, he may serve on the manager of the factory an order in writing specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(*3*) All fencing shall be constantly maintained in an efficient state and kept closed when the parts fenced are in use.

(*4*) Such further provisions as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery in a factory.

**26.** If it appears to the Inspector that any building or part of a building, or any part of the ways, machinery or plant in a factory is so defective that it may be dangerous to human life or safety, he may serve on the manager an order in writing requiring him before a specified date—

Power to require specifications of defective parts or tests of stability.

(*a*) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such buildings, ways, machinery or plant can be used with safety, or

(*b*) to carry out such tests as may be necessary to determine the strength or quality of any specified parts and to inform the Inspector of the results thereof.

**27.** (*1*) If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety he may serve an order on the manager of the factory specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

Repairs to buildings and machinery.

(*2*) If it appears to the Inspector that the use of any building or part of a building or of any part of the ways, machinery or plant in a factory involves imminent danger to human life or safety, he may serve on the manager of the factory a notice prohibiting its use until it has been properly repaired or altered.

**28.** (*1*) No woman or child shall be allowed to clean or oil any part of the machinery of a factory while that part is in motion under power, or to work between moving parts or between fixed and moving parts of any machinery which is in motion under power.

Restrictions on work near machinery in motion.

(*2*) The Local Government may, by notification in the local official Gazette, prohibit, in any specified factory or class of factories,

the cleaning or oiling by any person of specified parts of machinery when these parts are in motion under power.

Power to exclude children.

**29.** (*1*) The Local Government may, by notification in the local official Gazette, prohibit the admission to any specified class of factories, or to specified parts thereof, of children who cannot be lawfully employed therein.

(*2*) If it appears to the Inspector that the presence in any factory or part of a factory of children who cannot be lawfully employed therein may be dangerous to them or injurious to their health, he may serve on the manager an order in writing directing him to prevent the admission of such children to the factory or any part of it.

Prohibition of women and children near cotton-openers.

**30.** No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work:

Provided that, if the feed-end of a cotton-opener is in a room separated from the delivery-end by a partition extending to the roof, or to such height as the Inspector may in any particular case specify, women and children may be employed on the side of the partition where the feed-end is situated.

Notice of certain accidents.

**31.** Where in any factory an accident occurs which causes death, or which causes any bodily injury whereby any person injured is prevented from resuming his ordinary work during the forty-eight hours after the accident occurred, or which is of any nature which may be prescribed in this behalf, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

Appeals.

**32.** (*1*) The manager of a factory on whom an order in writing by an Inspector has been served under the provisions of this Chapter, or the occupier of the factory, may, within fourteen days of the service of the order, appeal against it to the Local Government, or to such authority as the Local Government may appoint in this behalf; and the Local Government or appointed authority may, subject to rules made in this behalf by the Local Government, confirm, modify or reverse the order.

(*2*) The appellate authority may, and if so required in the petition or appeal shall, hear the appeal with the aid of assessors, one of whom shall be appointed by the appellate authority and the other by such body representing the industry concerned as the Local Government may prescribe in this behalf:

Provided that if no assessor is appointed by such body, or if the assessor so appointed fails to attend at the time and place fixed for hearing the appeal, the appellate authority may proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

(*3*) Except in an appeal against an order under sub-section (*2*) of section 29, the appellate authority may suspend the order appealed against, pending the decision of the appeal, subject however to such conditions as to partial compliance or the adoption of temporary measures as it may choose to impose in any case.

Power to make health and safety rules to supplement this Chapter.

**33.** The Local Government may make rules—

(*a*) providing for any matter which, according to any of the provisions of this Chapter, is or may be prescribed;

(*b*) requiring the managers of factories to maintain stores of first-aid appliances and providing for their custody;

(*c*) regulating the use of mechanical transport in factories, other than railways subject to the Indian Railways Act, 1890; IX of 1890.

(*d*) requiring occupiers or managers of factories to submit annual returns relating to wages paid in their factories;

(*e*) prescribing the manner of the service of orders on managers of factories under this Chapter;

(*f*) regulating the procedure to be followed in presenting and hearing appeals under section 32, and the appointment and remuneration of assessors; and

(*g*) regulating the exercise by Inspectors of their powers under this Chapter.

Additional power to make health and safety rules relating to—

**34.** (*1*) The Local Government may make rules requiring that in any factory or class of factories in the province or in any part of it, wherein more than one hundred and fifty workers are working, an adequate shelter shall be provided for the use of workers during periods of rest, and such rules may prescribe the standards of such shelters.

shelters during rest,—

(*2*) The Local Government may also make rules—

rooms for children,—

(*a*) requiring that in any factory or class of factories in the province or in any part of it, wherein more than fifty women workers are working, a suitable room shall be reserved for the use of the children of such women,

(*b*) prescribing the standards for such rooms and the nature of the supervision to be exercised over the children therein, and

(*c*) prohibiting the admission of children under the age of six years to any part of such factories in which the manufacturing process is carried on.

hazardous operations,—

(*3*) Where the Local Government is satisfied that any operation which is part of or incidental to a manufacturing process exposes those employed upon it to a serious risk of bodily injury, poisoning or disease, it may make rules—

(*a*) specifying the operation and declaring it to be hazardous, and

(b) prohibiting or restricting the employment of women, adolescents or children upon the operation, and providing for the protection of all persons employed upon it, in all factories or in any class of factories in which the operation is carried on.

Certificates of stability.

(4) The Local Government may also make rules, for any class of factories and for the whole or any part of the province,—

(a) requiring that work on a manufacturing process shall not be begun in any factory in which such work had not been carried on before the commencement of this Act, and

(b) requiring that, when any structural alterations are made in any building in a factory which are likely to reduce temporarily or permanently the stability of the building or any part of it, work shall not be carried on in the building or part of it after the alterations have been begun,

until a certificate in the prescribed form, signed by a person possessing the prescribed qualifications, has been sent to the Inspector.

## CHAPTER IV.

### RESTRICTIONS ON WORKING HOURS OF ADULTS.

Weekly hours.

**35**. An adult worker shall not work in a factory for more than fifty-four hours in any week, or, where the factory is a seasonal one, for more than sixty hours in any week:

Provided that adult workers in a non-seasonal factory engaged in work which for technical reasons must be continuous throughout the day may work for fifty-six hours in any week.

Weekly holiday.

**36.** (1) An adult worker shall not work in a factory on a Sunday unless—

(a) he has had or will have a holiday for a whole day on one of the three days immediately before or after that Sunday, and

(b) the manager of the factory has, a week before that Sunday or the substituted day, whichever is earlier,—

(i) delivered a notice to the Inspector of his intention to ask the worker to work on the Sunday and of the day which is to be substituted, and

(ii) displayed a notice to that effect in the factory:

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Notices given under sub-section (1) may be cancelled by a notice delivered to the Inspector and a notice displayed in the factory at least one day before the Sunday or the holiday to be cancelled, whichever is earlier.

(3) Where, in accordance with the provisions of sub-section (1), any worker works on a Sunday and had had a holiday on one of the three days immediately before it, that Sunday shall, for the purpose of calculating his weekly hours of work, be included in the preceding week.

Daily hours.

**37.** An adult worker shall not work in a factory for more than ten hours in any day:

Provided that a male adult worker in a seasonal factory may work for eleven hours in any day.

Intervals for rest.

**38.** The periods of work of adult workers in a factory during each day shall be fixed either—

(a) so that no period shall exceed six hours, and so that no worker shall work for more than six hours without having had an interval for rest of at least one hour;

or

(b) so that no period shall exceed five hours, and so that no worker shall work for more than five hours without having had an interval for rest of at least half an hour, or for more than eight and a half hours without having had at least two such intervals.

Spreadover.

**39.** The periods of work of an adult worker in a factory shall be so arranged that, along with his intervals for rest under section 38, they shall not spread over more than thirteen hours in any day; and he shall not resume work during the remainder of the twenty-four hours which began when he started work that day.

Periods for work to be fixed beforehand.

**40.** (1) The periods of work of each adult worker in a factory shall be fixed beforehand, in accordance with the provisions of this section and with the provisions of sections 35, 36, 37, 38 and 39.

(2) Where all the adult workers in a factory are required to work during the same periods, the manager shall fix those periods for the factory generally.

(2) Where the adult workers in a factory do not all work within the same periods, the manager shall classify them into groups according to the nature of their work, and where any group works on a system of shifts, he shall allot each member of the group to a relay.

(4) For each group not working on a system of shifts, the manager shall fix the periods of work for the group.

(5) Where any group works on shifts which are not subject to predetermined periodical alterations, the manager shall fix the periods of work for the members of each relay of the group.

(6) Where any group works on shifts which are subject to predetermined periodical alterations, the manager shall draw up a scheme of shifts whereunder the periods of work of any relay of the group may be required to work and the relay which will be working at any time of the day shall be known for any day.

**41.** (*1*) There shall be displayed and correctly maintained in every factory, in accordance with the provisions of sub-section (*2*) of section 77, a Notice of Periods of Work for Adults showing clearly all periods of work fixed and any scheme of shifts drawn up for the factory under section 40.

Notice of Periods of Work for Adults.

(*2*) A copy of the Notice shall be sent in duplicate to the Inspector within fourteen days after the commencement of this Act, or, if the factory begins work after the commencement of this Act, within three days of the day on which it begins work.

(*3*) Any proposed change in the system of work in a factory which will necessitate a change in the Notice shall be notified to the Inspector in duplicate before the change is made, and, except with the previous sanction of the Inspector, no such change shall be made until one week has elapsed since the last change or, in the first instance, since notice was given under sub-section (*2*).

(*4*) The Local Government may make rules prescribing forms for the Notice of Periods of Work for Adults and the manner in which it shall be maintained.

**42.** (*1*) The manager of every factory shall maintain a Register of Adult Workers showing—

Register of Adult Workers.

(*a*) the name of each adult worker in the factory,

(*b*) the nature of his work,

(*c*) the group, if any, in which he is included,

(*d*) where his group works on shifts, the relay to which he is allotted, and

(*e*) such other particulars as may be prescribed:

Provided that, if the Inspector is of opinion that any muster roll or register maintained as part of the routine of a factory gives the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall be maintained in place of and shall be treated as the Register of Adult Workers in that factory.

(*2*) The Local Government may make rules prescribing the form of the Register of Adult Workers, the manner in which it shall be maintained and the period for which it shall be preserved.

**43.** (*1*) The Local Government may make rules defining the persons who hold positions of supervision or management or are employed in a confidential position in a factory, and the provisions of this Chapter shall not apply to any person so defined.

Power to make rules exempting from restrictions.

(*2*) The Local Government may make rules for adult workers providing for the exemption, to such extent and subject to such conditions as may be prescribed in such rules,—

(*a*) of workers engaged on urgent repairs—from the provisions of sections 35, 36, 37, 38 and 39;

(*b*) of workers engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory—from the provisions of sections 35, 37, 38 and 39;

(*c*) of workers engaged in work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest required under section 38—from the provisions of sections 35, 37, 38 and 39;

(*d*) of workers engaged in any work which for technical reasons must be carried on continuously throughout the day—from the provisions of sections 36, 37, 38 and 39;

(*e*) of workers engaged in making or supplying articles of prime necessity which must be made or supplied every day—from the provisions of section 36;

(*f*) of workers engaged in a manufacturing processs which cannot be carried on except during fixed seasons—from the provisions of section 36;

(*g*) of workers engaged in a manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces—from the provisions of section 36 and section 38; and

(*h*) of workers engaged in engine-rooms or boiler-houses—from the provisions of section 36.

(*3*) Rules made under sub-section (*2*) providing for any exemption may also provide for any consequential exemption from the provisions of sections 40 and 41 which the Local Government may deem to be expedient, subject to such conditions as it may impose.

(*4*) In making rules under this section the Local Government shall prescribe the maximum limits for the daily hours and the weekly hours of work for all classes of workers, and any exemption given, other than an exemption under clause (*a*) of sub-section (*2*), shall be subject to such limits.

(*5*) Rules made under this section shall remain in force for not more than three years from the date of their publication.

**44.** (*1*) Where the Local Government is satisfied that, owing to the nature of the work carried on or to other circumstances, it is unreasonable to require that the periods of work of any adult workers in any factory or class of factories should be fixed beforehand, it may, by written order, relax or modify the provisions of sections 40 and 41 in respect of such workers to such extent and in such manner, as it may think fit, and subject to such conditions as it may deem expedient to ensure control over periods of work.

Power to make order exempting from restrictions.

(*2*) Subject to the control of the Local Government, the Chief Inspector of Factories may, by written order, exempt, on such conditions

as he may deem expedient, any or all of the adult workers in any factory, or group or class of factories, from any or all of the provisions of sections 35, 36, 37, 38, 39, 40 and 41, on the ground that the exemption is required to enable the factory or factories to deal with an exceptional press of work.

(3) Any exemption given under sub-section (2) in respect of daily hours or weekly hours of work shall be subject to the maximum limits prescribed under sub-section (4) of section 43.

(4) An order under sub-section (2) shall remain in force for such period as it may specify, but in no case for more than three months from the date on which notice thereof is given to the manager of the factory.

Further restrictions on the employment of women.

**45.** (1) The provisions of this Chapter shall, in their application to women workers in factories, be supplemented by the following further restrictions, namely:—

(a) no exemption from the provisions of section 37 may be granted in respect of any woman; and

(b) a woman may work in a factory only between 6 A.M. and 7 P.M.:

Provided that the Local Government may, by notification in the Local official Gazette, in respect of any class or classes of factories and for the whole year or any part of it, vary the limits laid down in clause (b) to any span of thirteen hours between 5 A.M. and 7-30 P.M.:

Provided further that, in respect of any seasonal factory or class of seasonal factories in a specified area, the Local Government may, by notification in the local official Gazette, impose a further restriction by defining the period or periods of the day within which women may be allowed to work, such that the period or periods so defined shall lie within the span fixed by clause (b) or under the above proviso and shall not be less than ten hours in the aggregate.

(2) The Local Government may make rules providing for the exemption from the above restrictions, to such extent and subject to such conditions as it may prescribe, of women working in fish-curing or fish-canning factories where the employment of women beyond the said hours is necessary to prevent damage to or deterioration in any raw material.

(3) Rules made under sub-section (2) shall remain in force for not more than three years from the date of their publication.

Special provision for night-shifts.

**46.** Where a worker works on a shift which extends over midnight, the ensuing day for him shall be deemed to be the period of twenty-four hours beginning when the night-shift ends, and the hours he has worked after midnight shall be counted towards the previous day.

Extra pay for overtime and for work on Sundays.

**47.** (1) Where a worker in a seasonal factory works for more than sixty hours in any week,

or where a worker in a factory other than a seasonal factory works for more than ten hours in any day,



he shall be entitled in respect of the overtime worked to pay at the rate of one-and-a-half times his ordinary rate of pay.

(2) Where a worker in a factory other than a seasonal factory works for more than fifty-four hours in any week, he shall be entitled, in respect of the overtime worked less any overtime in respect of which he is entitled to extra pay under sub-section (1), to pay at the rate of one-and-a-quarter times his ordinary rate of pay.

(3) Where a worker in a factory works on a Sunday, or on any day substituted for a Sunday under the provisions of section 36, he shall be entitled, in respect of the time so worked, to pay at the rate of one-and-a-half times his ordinary rate of pay.

Restriction on double employment.

**48.** No adult worker shall work in any factory on any day on which he has already been working in any other factory, save in such circumstances as may be prescribed by rules made in this behalf by the Local Government.

Control of overlapping shifts.

**49.** The Local Government may make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time, save with the permission of the Local Government and subject to such conditions as it may impose, either generally in such rules or in the case of any particular factory.

## CHAPTER V.

### SPECIAL PROVISIONS FOR ADOLESCENTS AND CHILDREN.

Prohibition of employment of young children.

**50.** No child who has not completed his twelfth year shall be allowed to work in any factory.

Non-adult workers to carry certificates of fitness.

**51.** No child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless he has been granted a certificate of fitness under section 52 and, while at work in the factory, carries either the certificate itself or a token giving reference to it.

Certificates of fitness.

**52.** (1) A certifying surgeon shall, on the application of any young person who wishes to work in a factory, or of the parent or guardian of such person, or of the manager of the factory in which such person wishes to work, examine such person and ascertain his fitness for such work.

(2) The certifying surgeon, after examination, may grant to such person, in the prescribed form,—

(a) a certificate of fitness to work in a factory as a child, if he is satisfied that such person has completed his twelfth year, that he has attained the prescribed physical standards (if any), and that he is fit for such work; or

(b) a certificate of fitness to work in a factory as an adult, if he is satisfied that such person has completed his fifteenth year and is fit for a full day's work in the factory in which he wishes to work.

(3) A certifying surgeon may revoke any certificate granted under sub-section (2) if, in his opinion, the holder of it is no longer fit to work in the capacity stated therein in the factory in which he is employed.

(4) Where a certifying surgeon refuses to grant a certificate or a certificate of the kind requested, or revokes a certificate, he shall, if so requested by any person who could have applied for the certificate, state his reasons in writing for so doing.

Effect of certificate granted to adolescent.

**53.** (1) An adolescent who has been granted a certificate of fitness to work in a factory as an adult, under clause (b) of sub-section (2) of section 52, and who, while at work in a factory, carries either the certificate itslef or a token giving reference to it, shall be deemed to be an adult for all the purposes of Chapter IV.

(2) An adolescent who has not been granted a certificate of fitness to work in a factory as an adult, under sub-section (2) of section 52, shall, notwithstanding his age, be deemed to be a child for the purposes of this Act.

Restrictions on the working hours of a child.

**54.** (1) No child worker shall be allowed to work in a factory for more than five hours in any day.

(2) The hours of work of a child shall be so arranged that they shall not spread over more than seven-and-a-half hours in any day.

(3) A child may work in a factory only between 6 A.M. and 7 P.M.:

Provided that the Local Government may, by notification in the local official Gazette, in respect of any class or classes of factories and for the whole year or any part of it, vary these limits to any span of thirteen hours between 5 A.M. and 7-30 P.M.

(4) The provisions of section 36 shall apply also to child workers, but no exemption from the provisions of that section may be granted in respect of any child.

(5) No child shall work in any factory on any day on which he has already been working in another factory.

Periods of work for children to be fixed beforehand.

**55.** The periods of the day during which a child may be required to work in a factory shall be fixed beforehand, in accordance with the method laid down for adults in section 40.

Notice of Periods of Work for Children and Register of Child Workers.

**56.** (1) There shall be displayed and correctly maintained, in accordance with the provisions of sub-section (2) of section 77, in every factory in which children are employed, a Notice of Periods of Work for Children, showing clearly all periods of work fixed and any scheme of shifts drawn up for the factory in respect of children under section 55.

(2) The provisions of sub-sections (2) and (3) of section 41 shall apply also to the Notice of Periods of Work for Children.

(3) The manager of every factory in which children are employed shall maintain a Register of Child Workers showing—

(a) the name of each child worker in the factory,

(b) the nature of his work,

(c) the group, if any, in which he is included,

(d) where his group works on shifts, the relay to which he is allotted,

(e) the number of his certificate of fitness granted under section 52, and

(f) such other particulars as may be prescribed.

(4) The Local Government may make rules prescribing forms for the Notice of Periods of Work for Children and of the Register of Child Workers, the manner in which they shall be maintained, and the period for which the Register shall be preserved.

Power to require medical examination regarding age.

**57.** Where an Inspector is of opinion that any person working in a factory without a certificate of fitness is a child or an adolescent, he may serve on the manager of the factory a notice requiring that such person shall be examined by a certifying surgeon, and such person shall not be allowed to work in the factory until he has been so examined and has been granted a certificate of fitness.

Power to require fresh medical examination regarding health.

**58.** Where an Inspector is of opinion that a child or adolescent working in a factory with a certificate of fitness is no longer fit to work in the capacity stated therein, he may serve on the manager of the factory a notice requiring that such child or adolescent shall be examined by a certifying surgeon, and such child or adolescent shall not be allowed to work again in the factory until he has been so examined and has been granted a fresh certificate of fitness.

**59.** The Local Government may make rules—

Power to make rules.

(a) prescribing the forms of certificates of fitness to be granted under section 52, providing for the grant of duplicates in the event of loss of the original certificate, and the fee which may be charged for such duplicate;

(b) prescribing the standards of physical fitness to be attained by children and adolescents applying for certificates of fitness;

(c) regulating the procedure of certifying surgeons under this Chapter, specifying other duties which they may be required to perform in connection with the employment of children in factories; and

(d) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

## CHAPTER VI.

### PENALTIES AND PROCEDURE.

**60.** If in any factory—

Penalty for contravention of provisions relating to—

health and safety—

(*a*) there is a contravention of any of the provisions of sections 15 to 30 inclusive, or of any of the said sections read with rules made in pursuance thereof under clause (*a*) of section 33, or of any rule, notification or order made under any of the said sections,

or there is any contravention of any rule made under clause (*b*) or clause (*c*) of section 33,

or there is any contravention of any rule made under section 34, or

restrictions on hours of work,—

(*b*) any person is allowed to work in contravention of any of the provisions of sections 35 to 39 inclusive or of section 45, or of any rule or notification made thereunder, or of any condition attached to any exemption granted under section 43 or section 44, or of any rule made under section 45, 48 or 49,

or is allowed to work otherwise than in accordance with an entry against his name in the Register of Adult Workers maintained and the Notice of Periods of Work for adults displayed in the factory,

or there is any contravention of the provisions of section 41 or section 42, or of the rules made thereunder,

or any person is not paid any extra pay for overtime to which he is entitled under the provisions of section 47, or

employment of adolescents and children.

(*c*) any adolescent or child is allowed to work in contraventi o n of any of the provisions of section 50, 51, 54, 57 or 58, or of any rule or notification made thereunder,

or is allowed to work otherwise than in accordance with an entry against his name in the Register of Child Workers maintained and the Notice of Periods of Work for Children displayed in the factory,

or there is any contravention of the provisions of section 56 or of the rules made thereunder,

the manager and occupier of the factory shall each be punishable with fine which may extend to five hundred rupees.

**61.** If any person—

Enhanced penalty after previous conviction.

(*a*) who has been convicted of any offence which is a contravention of any of the provisions of sections 15 to 30 inclusive, or of any of the said sections read with rules made in pursuance thereof under clause (*a*) of section 33, or of any rule, notification or order made under any of the said sections, is again guilty of any such offence, or

(*b*) who has been convicted of any offence which is a contravention of any rule made under clause (*b*) or clause (*c*) of section 33, is again guilty of any offence which is a contravention of any rule made under the same clause, or

(*c*) who has been convicted of any offence which is a contravention of any rule made under any of the sub-sections of section 34, is again guilty of any offence which is a contravention of any rule made under the same sub-section, or

(*d*) who has been convicted of any offence punishable under clause (*b*) or clause (*c*) of section 60, is again guilty of any offence punishable under either of these clauses,

he shall be punishable with fine which shall not be less than one hundred rupees, and if he is again so guilty, shall be punishable with fine which shall not be less than two hundred and fifty rupees:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished:

Provided further that the Court, if it is satisfied that there are exceptional circumstances warranting such a course, may, after recording its reasons in writing, impose a smaller fine than is required by this section.

**62.** Any occupier of a factory who fails to give any notice required by sub-section (*1*) or sub-section (*2*) of section 9 shall be punishable with fine which may extend to five hundred rupees.

Penalty for fail to give notice of commencement of work or of change of manager.

**63.** Whoever wilfully obstructs an Inspector in the exercise of any power under section 11, or fails to produce on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Act or of any of the rules made thereunder, or conceals or prevents any worker in a factory from appearing before or being examined by an Inspector, shall be punishable with fine which may extend to five hundred rupees.

Penalty for obstructing Inspector.

**64.** A manager of a factory who fails to give notice of an accident as required under section 31 shall be punishable with fine which may extend to five hundred rupees.

Penalty for failure to give notice of accidents.

**65.** If in respect of any factory any prescribed return is not furnished as required by rules made under clause (*d*) of section 33 or by section 78, the manager and the occupier of the factory shall each be liable to fine which may extend to five hundred rupees.

Penalty for failure to make prescribed returns.

**66.** Whoever smokes, or uses a naked light or causes or permits any such light to be used, in the vicinity of any inflammable material in a factory shall be punishable with fine which may extend to five hundred rupees.

Penalty for smoking in vicinity of inflammable material.

**67.** Whoever knowingly uses or attempts to use, as a certificate granted to himself under section 52, a certificate granted to another person under that section, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with fine which may extend to twenty rupees.

Penalty for using false certificate.

**68.** If a child works in a factory on any day on which he has already been working in another factory, the parent or guardian of the child or the person having custody of or control over him, or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to twenty rupees, unless it appears to the Court that the child so worked without the consent, connivance or wilful default of such parent, guardian or person.

Penalty on guardian for permitting double employment of a child.

**69.** A manager of a factory who fails to display the notice required under sub-section (*1*) of section 77 or by any rule made under this Act, or to display or maintain any such notice as required by sub-section (*2*) of that section, shall be punishable with fine which may extend to five hundred rupees.

Penalty for failure to display certain notices.

**70.** (*1*) Where the occupier of a factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable:

Determination of "occupier" for purposes of this Chapter.

Provided that the firm or association may give notice to the Inspector that they have nominated one of their number to be the occupier of the factory for the purposes of this Chapter, and such individual shall be deemed to be the occupier for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(*2*) Where the occupier of a factory is a company, any one of the directors thereof, or, in the case of a private company, any one of the shareholders thereof, may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable:

Provided that the company may give notice to the Inspector that it has nominated a director, or, in the case of a private company, a shareholder, to be the occupier of the factory for the purposes of this Chapter, and such director or shareholder shall be deemed to be the occupier of the factory for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or shareholder.

**71.** (*1*) Where the occupier or manager of a factory is charged with an offence against this Act, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court—

Exemption of occupier or manager from liability in certain cases.

(*a*) that he has used due diligence to enforce the execution of this Act, and

(*b*) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Act.

(*2*) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings—

(*a*) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Act, and

(*b*) by what person the offence has been committed, and

(*c*) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

**72.** A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

Limit to penalty in case of repetition of offence.

(*a*) where the repetition of the offence occurs after a prosecution has been instituted in respect of the original offence, or

(*b*) where the offence is committed in respect of two or more persons, and is a contravention of sub-section (*1*) of section 28 or section 30 or is an offence punishable under clause (*b*) or clause (*c*) of section 60.

**73.** If a child over the age of six years is found inside any part of a factory in which children are working, he shall, until the contrary is proved, be deemed to be working in the factory.

Presumption as to employment.

Evidence as to age.

**74.** (*1*) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Act, and such person is in the opinion of the Court apparently under or over such age, the burden shall be on the accused to prove that such person is not under or over such age.

(*2*) A declaration in writing by a certifying surgeon relating to a worker that he has personally examined him and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of that worker.

Cognizance of offences.

**75.** (*1*) No prosecution under this Act, except a prosecution under section 66, shall be instituted except by or with the previous sanction of the Inspector.

(*2*) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the first class shall try any offence against this Act or any rule or order made thereunder, other than an offence under section 66 or section 67.

Limitation of prosecutions.

**76.** No Court shall take cognizance of any offence under this Act or any rule or order thereunder, other than an offence under section 62 or section 64, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

## CHAPTER VII.

### SUPPLEMENTAL.

Display of factory notices.

**77.** (*1*) In addition to the notices required to be displayed in any factory by this Act or the rules made thereunder, there shall be displayed in every factory a notice containing such abstracts of this Act and of the rules made thereunder, in English and in the vernacular of the majority of the workers, as the Local Government may, by rules, prescribe.

(*2*) All notices required to be displayed in a factory shall be displayed at some conspicuous place at or near the main entrance to the factory, and shall be maintained in a clean and legible condition.

Power of Governor General in Council to make rules.

**78.** The Governor-General in Council may, by notification in the Gazette of India, make rules requiring occupiers or managers of factories to submit such returns, occasional or periodical, as may in his opinion be required for the purposes of this Act.

General provisions regarding rules made by Local Governments.

**79.** (*1*) All rules made by a Local Government under this Act shall be subject to the control of the Governor-General in Council.

(*2*) All such rules shall be subject to the condition of previous publication, and the date to be specified under clause (*3*) of section 23 of the General Clauses Act, 1897, shall not be less than three months from the date on which the draft of the proposed rules was published. X of 1

(*3*) All such rules shall be published in the local official Gazette, and shall, unless some later date is appointed, come into force on the date of such publication.

Application to Crown factories.

**80.** This Act shall apply to factories belonging to the Crown.

Protection to persons acting under this Act.

**81.** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Repeal and savings.

**82.** The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof:

Provided that anything done under the said enactments which could have been done under this Act if it had then been in force shall be deemed to have been done under this Act.

## THE SCHEDULE.

### ENACTMENTS REPEALED.

(*See section 82.*)

| Year | No. | Short title. | Extent of repeal. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| 1911 | XII | The Indian Factories Act, 1911. | The whole. |
| 1922 | II | The Indian Factories (Amendment) Act, 1922. | The whole. |
| 1923 | IX | The Indian Factories (Amendment)) Act, 1923. | The whole. |
| 1926 | XXVI | The Indian Factories (Amendment) Act, 1926. | The whole. |
| 1930 | VIII | The Repealing and Amending Act, 1930. | So much of the First Schedule as relates to the Indian Factories Act, 1911. |
| 1931 | XIII | The Indian Factories (Amendment) Act, 1931. | The whole. |

## STATEMENT OF OBJECTS AND REASONS.

The Royal Commission on Labour in India made a number of recommendations for the amendment of the Factories Act. These were published with their Report in July 1931. After examining these in detail, the Government of India drafted a Bill to replace the present Factories Act which embodied the great majority of the proposals and included some further alterations that experience had shown to be desirable. This Bill was circulated with a covering letter and a series of explanatory notes to Local Governments in June, 1932, and the Governments were asked to forward the papers to associations of employers and employed and to other organizations or individuals who might be interested. In reply, a series of opinions were received discussing the Bill and the original Act in

great detail, and after considering the numerous suggestions offered, the Government of India have framed the present Bill.

The substantial changes made in the existing law are discussed in the Notes on Clauses. Nearly all the more important alterations are based on the Labour Commission's recommendations. At the same time the opportunity has been taken to rearrange the law and to revise its expression where necessary. The present Act dates from 1911, but since that date large changes have been made by amending Acts and the consolidation of the law in a clearer and more logical form is in itself a desirable reform.

SIMLA;

The 2nd September, 1933.

F. NOYCE.

## NOTES ON CLAUSES.

*(In these Notes "Section" denotes a section of the present Act.)*

*Clause 2.*—The definitions have been generally revised and supplemented and those defining the manufacturing process and determining when a person is employed have been simplified. The definition of "factory" has been modified so as to cover those establishments which, although they employ more than 20 persons in the day, do not employ that number simultaneously.

*Clause 3.*—The general acceptance of standard time has rendered a modification of section 51 (*1*) desirable.

*Clause 4.*—The Labour Commission recommended differential treatment for seasonal and non-seasonal factories in the matter of adult hours and in other respects. This clause is based on their recommendation.

*Clause 5.*—This clause reproduces the provision contained in section 2 (*3*) empowering Local Governments to bring workshops not using power and the smaller power-factories within the scope of the Act: but certain changes have been made. On the recommendation of the Labour Commission it is proposed that Local Governments should be empowered to apply the Act to workshops in full or in part; at present they have no choice between applying the whole of the Act or none in such cases. Provision has been made in sub-section (*2*) for the notification of classes of premises, where necessary; and sub-section (*3*) is designed to ensure that a notification of the Local Government does not remain in force after the conditions justifying its issue have ceased to apply.

*Clause 6* reproduces in substance section 53; but it is proposed that notifications should be limited to specified factories as there is no occasion for notifications applicable to classes of factories.

*Clause 7.*—This is a new clause designed to enable the Local Government to exempt from the Act premises which by reason of a change in their use should no longer be treated as factories.

*Clause 8.*—Section 57 confers on the Government of India the powers which may be exercised by Local Governments under the Act, while section 56 enables the Local Government to exempt any factory in case of public emergency. Section 57 has never been invoked and it is proposed to omit it. On the other hand, section 56 is intended only for a serious general emergency such as might be caused by a war, and it is proposed to transfer this exceptional power to the Government of India.

*Clause 9.*—*Cf.* section 33.

*Clauses 10 and 11.*—*Cf.* sections 4 and 5.

*Clause 12.*—This is a new clause.

*Clause 13.*—Sub-clause (*1*) reproduces section 6; sub-clause (*2*) extends to certifying surgeons the principle applying to Inspectors in clause 10 (*2*) [Section 4 (*2*)].

*Clause 14.*—*Cf.* section 8.

*Clause 15.*—This combines the provisions of sections 9 (*a*) and 37 (*2*) (*e*).

*Clause 16.*—Sub-clauses (*1*) and (*2*) are based on section 9 (*c*) and section 37 (*2*) (*g*), while sub-clause (*3*) is based on section 10. Sub-clause (*4*) is designed to enable Local Governments to do by rules for classes of factories what Inspectors under sub-clause (*3*) can do by orders for single factories.

*Clause 17, sub-clause (1).*—Section 9 (*d*) at present requires that the atmosphere shall not be rendered so humid by artificial means as to be injurious to the health of the workers, and section 37 (*2*) (*g*) gives the Local Government power to prescribe standards of artificial humidification and the methods to be adopted to secure their observance. It is now established that humidity, by itself affords no measure of the degree of danger or discomfort: the cooling power, a factor dependent on the temperature, the humidity and the movement of the air, is a much more reliable criterion. Moreover, the Labour Commission has called attention to the fact that the existing Act gives inadequate power to protect the worker from accute discomfort. It is therefore proposed to omit the prohibition of excessive humidity and, in sub-clause (*1*), to enable the Local Government to prescribe standards of cooling power, in place of standards of humidification, and to regulate the methods used for artificial humidification. Sub-clauses (*2*) and (*3*) reproduce the substance of section 12.

*Clause 18.*—This is based on a recommendation of the Labour Commission who give in their report the previous history of the legislative proposals for protecting workers against the effects of excessive heat.

*Clause 19.*—This combines the provisions of section 9 (*b*) and section 37 (*2*) (*f*) with an addition enabling the Local Government to prescribe standards of floor space.

*Clause 20.*—Sub-clauses (*1*) and (*2*) reproduce the substance of section 11. In sub-clause (*3*) it is proposed to enable the Local Governments to prescribe standards of lighting by rule for particular classes of factories.

*Clause 21.*—Sub-Clause (*1*) combines sections 14 and 37 (*2*) (*i*). Sub-clause (*2*) is new and is based on a recommendation of the Labour Commission.

*Clause 22.*—This combines sections 13 and 37 (*2*) (*h*). The proviso to the former section has been omitted in accordance with a recommendation of the Labour Commission.

*Clause 23.*—*Cf.* section 15. The maximum number of persons who may occupy a room in which the doors open inwards has been reduced to 20 and the saving in favour of factories erected before 1912 has been omitted.

*Clause 24.*—This combines sections 16 and 37 (*2*) (*ii*).

*Clause 25.*—*Cf.* section 18.

*Clauses 26 and 27.*—Inspectors have already power under section 18A, which is substantially reproduced in clause 27, to issue orders requiring action to be taken where the machinery or plant has become dangerous and prohibiting the use of dangerous machinery or plant pending repairs in cases of necessity. But an Inspector may have reason to fear that the use of certain machinery or plant involves danger without having sufficient evidence to warrant him in issuing definite orders requiring its alteration or repair. Clause 26, embodying a recommendation of the Labour Commission, has therefore been added to enable Inspectors to secure the requisite information when necessary. See also clause 34 (*4*).

*Clause 28.*—This is based on section 19; but it is proposed to extend to the oiling of machinery the prohibition which at present applies to the cleaning of machinery, and to extend it to work done between moving parts as well as between fixed and moving parts.

*Clause 29.*—Sub-clause (*2*) reproduces the substance of section 19A. In sub-clause (*1*) it is proposed to give the Local Governments general powers to exclude non-working children with a view to their protection.

*Clause 30* reproduces section 20.

*Clause 31.*—This reproduces section 34 with a small amendment to secure that notices are given of all accidents resulting in death or serious injury, including those in which injury is caused to persons not employed in the factory.

*Clause 32.*—This is based on section 50. A minor modification has been made in the conclusion of the last sub-section, and provision is made for appeals in all cases in which an order in writing is issued by an Inspector.

*Clause 33.*—Sub-clauses (*b*), (*c*) and (*d*) are new provisions and are all based on recommendations of the Labour Commission.

*Clause 34.*—The Labour Commission recommended that Local Governments should be empowered in general terms to pass orders applicable to particular classes or groups of factories relating to welfare. In addressing Local Governments the Government of India suggested that such a wide extension of rule-making powers was undesirable and that it would be more in consonance with the principles underlying the Act that fresh requirements of this kind should have the approval of the Legislature. This view has been generally accepted and the Government of India have therefore included no general rule-making power relating to "welfare" in the Act. They propose [*cf.* clauses 21 (*2*), 33 (*b*) and sub-clauses (*1*) and (*2*) of this clause] to empower Local Governments to make provision only for those matters to which the Labour Commission specifically directed attention.

Sub-clause (*3*) is designed to enable Local Governments to secure the protection of the worker against special hazards arising from the use of particular processes. The present Act already contains in section 19B and the Schedule provisions designed to protect women and young persons against dangers from lead poisoning, and section 38A confers on the Government of India power to make rules for the disinfection of wool which may be infected with anthrax spores. But with the constant elaboration of factory processes the existing Act has already proved inadequate; and the steady accumulation of knowledge of the best methods for protection against dangers due to special processes render it desirable that Government should be able to make and to modify from time to time the necessary regulations.

Sub-clause (*4*) is based on a recommendation of the Labour Commission, and is designed, along with the provisions of clauses 26 and 27, to protect workers against dangers arising from the use for factory purposes of unstable buildings. It is limited to new factories and extensions.

*Clause 35.*—The main part of the clause embodies the recommendation of the majority of the Labour Commission for the reduction of weekly adult hours in non-seasonal factories to 54. The limit for seasonal factories is retained at 60 hours. In the proviso a special exception is made in favour of factories where the processes must go on throughout the day, such as factories providing electric power and light, waterworks, etc. This is also based on a recommendation of the majority of the Labour Commission, but it has not been coupled, as they suggested, with a provision ensuring an average of 54 hours weekly. Such a provision would introduce a serious complication, and it is common in these factories for work to be of such an intermittent character that the hours normally worked in a week are less than 54. The proviso has not been extended, as the Labour Commission suggested, to factories producing articles of prime necessity which must be supplied or made every day as special treatment is not warranted on this account.

*Clause 36.*—*Cf.* section 22. Sub-clause (*2*) providing for the cancellation of notices on the part of the employer is new.

*Clause 37.*—The majority of the Labour Commission proposed to reduce the hours for adult work in non-seasonal factories from 11 to 10. This has been embodied in the clause and it is proposed to apply a similar reduction to women workers in seasonal factories.

*Clause 38.*—This is based on section 21, but certain changes have been made. That section

is defective in that, where two intervals of half an hour are given, a manager who closes his factory before the second interval is due infringes the law. In addition, the present law makes the request of the employees concerned necessary before the rest interval can be split up into two half hours, and places two additional limitations on the reduction of the interval to half-an-hour where the working day is 8½ hours or less, *viz.*, the sanction of the Local Government must be obtained, and this reduction can only be permitted in the case of male workers. It is proposed to remove all these restrictions. With a short working day it is better that the extra half hour should be spent in the worker's home than in the precincts of the factory, and this applies with, if anything, more force to women than to men. Section 52 which allowed in certain circumstances unexpected interruptions of work to count as intervals has been omitted.

The Labour Commission recommended that it should also be possible to split up the intervals into periods of less than half-an-hour. But as there is virtually no demand for this refinement, and its introduction would add appreciably to administrative difficulties, it has not been included.

*Clause 39.*—This is based on a recommendation of the Labour Commission and is designed to prevent the hours of work being so arranged that the worker does not get a reasonably long period away from the factory on each day.

*Clause 40.*—This embodies the principle of section 26, but the opportunity has been taken, by inserting separate sub-sections relating to the various methods by which factory hours are arranged, to make it clear that hours need not be fixed separately for each individual worker.

*Clause 41.*—This is based on section 3. The period within which the notice must be sent has been reduced to 3 days; and in order to prevent the evasion of the Act, it is proposed to provide that changes should be notified to the Inspector before they are made, and that his previous sanction should be required if a change has to be made within a week of the previous change.

*Clause 42.*—Sub-clause (*1*) is based on section 35. But the main part of the clause has been remodelled and the first proviso to the existing section has been omitted, on the ground that it is desirable that at least record of the workers should be maintained in all factories. Sub-clause (*2*) is based on section 37 (*2*) (*l*); the addition relating to the preservation of the register is new.

*Clause 43.*—Sub-clause (*1*) is based on section 29. Sub-clause (*2*) is based on sections 30 (*1*) and 30 (*3*), 32 and 32A (*a*). The main change proposed is that these exemptions should in future be made by rules under the Act and not merely by notification. In addition it is proposed that exemptions should not be granted from the weekly holiday in the case of workers engaged in intermittent work, and the definition of such work has been made more specific.

The remaining sub-clauses are new. Sub-clause (*3*) has been found to be necessary in order to enable the factory management to avail itself of other exemptions that may be given. Sub-clause (*4*) provides for the fixing of absolute limits to overtime, a matter now covered by rules under the Act. Sub-clause (*5*) embodies a recommendation of the Labour Commission and is designed to ensure that exemptions and the conditions upon which they are granted are reviewed at intervals of not less than 3 years.

*Clause 44.*—This provides for certain exemptions which cannot suitably be made by rules. Sub-clause (*1*) is designed to meet the case of those factories where the fixing of hours beforehand would impose an unreasonable limitation on the working of the factory: for example, there are factories where work comes in at unexpected times and has to be done with extreme expedition. Sub-clause (*2*) is based on section 30 (*2*), but it is proposed that the power to grant exemptions should be exercised by the Chief Inspector, subject to the control of the Local Government. Sub-clauses (*3*) and (*4*) are designed to secure that the limits prescribed by Local Governments for overtime apply to such exemptions and that they do not remain in force for an unreasonable period.

*Clause 45.*—Sub-clause (*1*) is based on section 24, but it is proposed to change from 5-30 A.M. to 6 A.M. the hour before which women may not normally be employed. The object is to secure for women a night rest of not less than 11 hours, which is the period prescribed by the International Convention relating to this subject and recommended by the Labour Commission. The latter's proposals to extend the period within which a factory may employ women to the hours between 5 A.M. and 10 P.M. has been strongly criticized and is not embodied in the Bill. The first proviso is based on section 51 (*2*) and the second on a recommendation of the Labour Commission. It is applicable only to seasonal factories, and is intended to enable Local Governments to enforce the legal hours in rural factories where repeated infringements have shown the necessity for further limitation. Its application will not reduce the maximum hours for which women may work but will limit further the hours within which they may be employed. Sub-clause (*2*) is based on section 32A (*b*) but provides for exemption by rules instead of by notification. Sub-clause (*3*) has the same object as sub-clause (*5*) of clause 43.

*Clause 46.*—This is a new provision designed to meet the difficulties of factories working shifts. For example, a factory worker who works up till 4 A.M. on Sunday morning and then gets 40 hours of rest, commencing work again at 8 P.M. on Monday night, has at present to be exempted from the provisions relating to the weekly holiday.

*Clause 47.*—Sub-clauses (*1*) and (*2*) replace section 31 and embody the Labour Commission's recommendation that work in excess of 60 hours in the week should be paid at the rate of time and a half. It is proposed to make similar provision for work done in excess of the daily limit

of hours in a non-seasonal factory and, in sub-clause (3), to provide for similar payment for all work done by virtue of an exemption from the weekly holiday.

*Clause 48.—Cf.* section 25.

*Clause 49.*—This embodies a recommendation of the Labour Commission and is designed to give the Local Governments power to control the working of multiple shifts.

*Clauses 50 to 53.*—These embody, so far as children are concerned, the substance of sections 23 (*a*) and 7 but, in modification of a recommendation made by the Labour Commission, it is proposed to enable Local Governments to prescribe for the guidance of certifying surgeons granting certificates physical standards to be attained by children.

It is also proposed, as recommended by the Labour Commission, that adolescents should be required to produce certificates of fitness before they can be permitted to work as adults. The ages of 15 to 16 suggested by the Labour Commission have been criticized as unduly narrow and adolescence has been defined so as to include persons between the ages of 15 and 17. Adolescents may be certified as fit either for children's work or for adult work. In the former case they will be subject to all special restrictions imposed by the Act on the work of children, and in the latter case they will be subject to none of these restrictions. The Labour Commission also suggested that young persons should be prohibited from working at night, but the advantages to be gained by preventing male adolescents who are certified as fully fit for adult work from working at night do not outweigh the difficulties that would thus be created.

*Clause 54.*—Sub-clauses (*1*) and (*2*) are based on the recommendations of the Labour Commission. Sub-clause (*3*) is based on section 23 (*b*) and 51 (*2*). The same modifications have been made in the case of children as in the case of women. Sub-clause (*4*) is designed to ensure that every child, without exception, enjoys a weekly rest. Sub-clause (*5*) is taken from section 25.

*Clauses 55 and 56.*—These extend to children the principles applied to adults in clauses 40, 41 and 42.

*Clauses 57 and 58.*—These embody the principles of section 8A, but it is proposed to extend it, as recommended by the Labour Commission, to persons who appear to the Inspector to be children or adolescents.

*Clauses 60, 62 to 69.*—These embody, with the necessary consequential additions, sections 41, 43, 44 and 44A. Section 43A, which provided for the grant of compensation to injured workers out of fines has been omitted, as adequate provision is now made by the Workmen's Compensaiton Act.

*Clause 61.*—This follows a recommendation of the Labour Commission and is designed to secure in suitable cases adequate penalties in the case of repeated offences.

*Clause 70.*—This is a new clause designed to ensure that whenever possible the person responsible as occupier is clearly designated.

*Clause 71.*—This reproduces section 42.

*Clause 72.—Cf.* section 45.

*Clause 73.—Cf.* section 46. The provision is at present limited to parts of the factory where certain work is carried on. It is proposed to extend it to all parts of the factory where children are employed.

*Clause 74.—Cf.* section 47.

*Clauses 75 and 76.—Cf.* sections 48 and 49.

*Clause 77.—Cf.* section 36 (*1*). Sub-clause (*2*) is new.

*Clause 78.—Cf.* section 38.

*Clause 79.*—Sub-clause (*1*) is based on various provisions throughout the Act. Sub-clauses (*2*) and (*3*) are based on sections 39 and 40, but the exception contained in section 39 (*1*) has been omitted.

*Clauses 80 and 81.*—These reproduce sections 54 and 58.

*Clause 82.*—The proviso is intended to ensure that there is no breach of continuity in respect of matters not covered by section 6 of the General Clauses Act, 1897.

MD. RAFI,
Offg. Secy. to the Govt. of India.

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## GOVERNMENT OF INDIA.
## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 8th September, 1933:—

L. A. BILL NO. 43 OF 1933.

## THE INDIAN TEA CONTROL BILL.

CONTENTS.

PRELIMINARY.





CHAPTER I.

THE INDIAN TEA LICENSING COMMITTEE.

CHAPTER II.

CONTROL OVER THE EXPORT OF TEA.



CHAPTER III.

CONTROL OVER THE EXTENSION OF TEA CULTIVATION.



CHAPTER IV.

PENALTIES AND PROCEDURE.



*A Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India.*

WHEREAS it is expedient to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India; It is hereby enacted as follows:—

PRELIMINARY.

**1.** (*1*) This Act may be called the Indian Tea Control Act, 1933.

**Short title, extent, commencement and duration.**

(*2*) It extends to the whole of British India.

(*3*) It shall come into force on such date as the Governor-General in Council may, by notification in the Gazette of India, appoint.

(*4*) It shall not remain in force after the 31st day of March, 1938.

**Definitions.**

In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Committee" means the Indian Tea Licensing Committee constituted under this Act;

(*b*) "exported overseas" means exported by sea from British India to any place outside India other than the French and Portuguese Settlements bounded by India;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) "tea" means—

(*i*) in Chapter III, the plant *Camellia Thea* (Linn.), and

(*ii*) in Chapter II, the commodity known as tea made from the leaves of that plant, and includes green tea leaves but excludes tea waste and Burmese pickled tea; and

(*e*) the "Tea Licensing Resolution" means the Resolution of the Government of India published under Finance Department (Central Revenues) Notification No. 30, dated the 20th May, 1933.

CHAPTER I.

THE INDIAN TEA LICENSING COMMITTEE.

**Constitution of the Indian Tea Licensing Committee.**

**3.** (*1*) The Governor-General in Council shall constitute a Committee, to be called the Indian Tea Licensing Committee, consisting of the following members:—

(*a*) six members, one to be nominated by each of the following bodies, namely,—

(*i*) the Indian Tea Association, Calcutta,

(*ii*) the Assam Branch of that Association,

(*iii*) the Surma Valley Branch of that Association,

(*iv*) the Dooars Planters Association.

(*v*) the Indian Tea Planters Association, Jalpaiguri, and the Terai Indian Planters Association, Terai, acting together, and

(*vi*) the Darjeeling Planters Association and the Terai Planters Association, acting together;

(*b*) two members to be nominated by the Local Government of Assam, to represent tea estates owned by Indians in Assam, one for the Assam Valley and the other for the Surma Valley;

(*c*) two members to be nominated by the United Planters Association of Southern India, one representing tea estates

in British India, and the other representing tea estates in Indian States; and

(*d*) one member to be nominated by the Local Government of Madras to represent tea estates owned in Southern India by Indians:

Provided that any nomination, made in accordance with the above provisions, of any member of the Licensing Committee constituted under the Tea Licensing Resolution, shall be deemed to have been duly made under this Act.

(*2*) As soon as may be after the commencement of this Act the Governor-General in Council shall publish in the Gazette of India the names of all members of the Committee.

Vacancies.

**4.** (*1*) If any authority or body fails to make within a resonable time any nomination which it is entitled to make under section 3, the Governor-General in Council may himself nominate a member to fill the vacancy.

(*2*) Where a member of the Committee dies, resigns, ceases to reside in India or becomes incapable of acting, the Governor-General in Council may, on the recommendation of the authority or body which is entitled to make the first nomination under section 3, or where such recommendation is not made within a reasonable time, then on his own initiative, nominate a person to fill the vacancy.

(*3*) No act done by the Committee shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Committee.

Chairman, sub-committees and executive officers.

**5.** The Committee shall elect a Chairman from amongst themselves, and may appoint such sub-committees and executive officers as may be necessary for the efficient performance of the duties imposed upon it by this Act:

Provided that the Chairman elected and any sub-committee or executive officer appointed by the Licensing Committee constituted under the Tea Licensing Resolution shall be deemed to have been duly elected and appointed under this Act.

Power to make by-laws.

**6.** (*1*) The Committee may make by-laws consistent with this Act and with the rules made thereunder for all or any of the following matters, namely:—

(*a*) the regulation of the procedure to be followed at meetings of the Committee;

(*b*) the appointment of sub-committees;

(*c*) the delegation to sub-committees, members or officers of the Committee of any of the powers of the Committee under this Act;

(*d*) the determination of the travelling allowances of the members;

(*e*) the appointment, promotion and dismissal of officers and servants of the Committee, and the creation and abolition of appointments of such officers and servants;

(*f*) the regulation of the grant of pay and leave to such officers and servants; and

(*g*) any other matter in respect of which by-laws may be made under this Act or the rules made thereunder.

(*2*) All by-laws made under this section shall be subject to the previous sanction of the Governor-General in Council.

Governor-General in Council's power of control.

**7.** (*1*) Save in respect of proceedings and orders under section 27, all acts of the Committee shall be subject to the control of the Governor-General in Council, who may cancel, suspend or modify as he thinks fit any such act.

(*2*) The records of the Committee shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Governor-General in Council.

Keeping and auditing of accounts.

**8.** (*1*) The Committee shall keep accounts of all fees received by it under this Act, and of the manner in which they are expended.

(*2*) Such accounts shall be examined and audited annually by auditors appointed in this behalf by the Governor-General in Council; and such auditors shall have power to disallow any item which has been, in their opinion, expended otherwise than in pursuance of the purposes of this Act.

Dissolution of the Committee.

**9.** (*1*) The Governor-General in Council may, by notification in the Gazette of India, declare the Committee to be dissolved, and on the date of the publication of such notification the Committee shall stand dissolved and this Act shall be deemed to be repealed.

(*2*) When the Committee is dissolved, either under this section or by the expiry of this Act, the unexpended balance of fees received by the Committee under this Act shall lapse to Government.

Power to make rules.

**10.** The Governor-General in Council may, by notification in the Gazette of India, make rules—

(*a*) providing for the establishment and maintenance of offices by the Committee;

(*b*) providing for the conduct of business by the Committee and determining the number of members which shall form a quorum at meetings;

(*c*) providing for the maintenance by the Committee of a record of all business transacted and submission of copies thereof to Government;

(*d*) regulating the preparation of annual estimates of receipts and expenditure;

(*e*) regulating the keeping of accounts of receipts and expenditure;

(*f*) determining the custody in which the current account of the Committee shall be kept, and the bank or banks

at which surplus monies at the credit of the Committee may be deposited at interest; and

(*g*) generally, to carry out the provisions of this Chapter.

## CHAPTER II.

### CONTROL OVER THE EXPORT OF TEA.

Limitation of application of Chapter.

**11.** Nothing in this Chapter shall apply to tea—

(*a*) proved to the satisfaction of the Customs Collector to have been imported into British India from any port outside India, or

(*b*) shipped as stores on board any vessel, in such quantity as the Customs Collector considers reasonable having regard to the numbers of the crew and passengers and the length of the voyage on which the vessel is about to depart, or

(*c*) exported by parcel post.

Method of control of export of tea.

**12.** (*1*) No tea shall be exported overseas unless covered by a licence issued by or on behalf of the Committee.

(*2*) No tea shall be exported by land or sea to any of the French or Portuguese Settlements bounded by India unless covered by a permit issued by or on behalf of the Committee.

The Indian Overseas Export Allotment.

**13.** (*1*) The Indian Overseas Export Allotment for the financial year 1933-34, that is, the total quantity of tea which may be exported overseas during that year, including tea exported overseas during that year before the commencement of this Act, shall be 320,570,560 pounds avoirdupois.

(*2*) The Indian Overseas Export Allotment for succeeding financial years shall be declared by the Governor-General in Council by notification in the Gazette of India, after consulting the Committee and paying due regard to all interests concerned.

Export quotas of tea estates.

**14.** (*1*) The export quota of each tea estate for each financial year, that is, the total quantity of tea which may be exported overseas by the owner of the estate during that year, shall be determined by the Committee, in the prescribed manner.

(*2*) The total of all export quotas for any financial year shall not exceed the Indian Overseas Export Allotment for that year.

Right to obtain export licences.

**15.** (*1*) The owner of a tea estate to which a quota has been allotted for any financial year shall have a right to obtain at any time during that year export licences to cover the export overseas of tea up to the amount of the unexhausted balance of the quota, that is, up to the amount of the quota less the amount for which export licences have already been issued against it:

Provided that the unexhausted balance of any quota at any time during the financial year 1933-34 after the commencement of this Act shall be the amount of the quota less—

(*a*) the amount for which export licences have already been issued against the quota under this Act, and

(*b*) the amount for which export licences were issued against the quota by the Licensing Committee constituted under the Tea Licensing Resolution, and

(*c*) the amount of tea produced on the estate and exported overseas after the 31st day of March, 1933, and before the 26th day of May, 1933.

(*2*) The right of the owner of a tea estate under this section may be transferred in whole or in part, and subject to proof of the transfer to the satisfaction of the Committee, the transferee shall have a right to obtain export licences up to the amount covered by the transfer or up to the amount of the unexhausted balance of the quota, whichever may be less.

Grant of export licences.

**16.** (*1*) The owner of any tea estate to which an overseas export quota has been allotted, or any transferee of his right, may, at any time before the 21st day of March of the financial year to which the quota relates, apply in writing to the Committee for an export licence covering a stated quantity of tea.

(*2*) If the unexhausted balance of the quota is sufficient to cover the stated quantity, the Committee shall, on receipt of the requisite fee, issue an export licence covering the stated quantity.

(*3*) Every licence shall be in duplicate in the prescribed form, shall bear the date of its issue, and shall be valid up to the end of the financial year in which it is issued :

Provided that, save as provided in section 17, the Committee shall not date or issue any export licence after the end of the financial year in which the application for it was made.

Special export licences.

**17.** (*1*) Where the tea covered by an export licence has not been exported overseas before the end of the financial year in which the licence was issued, the person to whom the licence was granted may, before the expiry of the first fourteen days of the following financial year forward the licence to the Committee and submit therewith an application for a special export licence covering the same quantity of tea and the Committee shall, on receipt of the requisite fee if any, issue a special export licence accordingly.

(*2*) A special export licence shall be in duplicate in the prescribed form, shall bear the date of its issue and shall be valid up to the 30th day of June of the year in which it was issued.

(*3*) The quantity of tea covered by a special export licence shall be accounted for against the export quota of the year in which the original licence was issued.

**18.** (*1*) The Committee shall maintain an account of every export quota, showing, in addition to such other particulars as the Committee may think fit, the licences issued against it and the unexhausted balance:

Committee to maintain accounts of quotas.

Provided that for the financial year 1933-34 each account shall show as single items the amounts set off against the quota under clauses (*b*) and (*c*) of the proviso to sub-section (*1*) of section 15.

(*2*) Any owner of a tea estate shall be entitled, on payment of the requisite fee, to a copy of the account relating to his quota, certified in the manner laid down in the by-laws.

**19.** (*1*) No consignment of tea shall be shipped or waterborne to be shipped for export overseas until the owner has delivered to the Customs Collector a valid export licence or special export licence in duplicate covering the quantity to be shipped.

Tea for export to be covered by licence or permit.

(*2*) No consignment of tea shall be shipped or waterborne to be shipped for export to any of the French or Portuguese Settlements bounded by India until the owner has delivered to the Customs Collector a permit granted in this behalf by the Committee covering the quantity to be shipped.

(*3*) No permit for the passage of any tea by land into any of the French or Portuguese Settlements bounded by India shall be granted under sub-section (*1*) of section 5 of the Land Customs Act, 1924, unless the application for such permit is accompanied by a permit granted in this behalf by the Committee covering the quantity to be passed.

X of 1924.

**20.** (*1*) The Committee may serve by post a notice upon the owner of any tea estate, or upon his agent or manager, requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such returns relating to the production, sale and export of tea produced on the estate as it may deem necessary to enable it to discharge its duties under this Chapter.

Power of Committee to call for returns.

(*2*) Where any return required under sub-section (*1*) in respect of any tea estate is not furnished to the Committee within the period specified in the notice, the Committee may refuse to allot a quota to that estate under section 14, or, where a quota has already been allotted, may cancel the unexhausted balance of that quota and refuse to issue any further export licences under section 16 against that quota.

**21.** (*1*) The Committee may charge and collect the following fees, namely:—

Fees.

(*a*) a licence fee for every export licence or special export licence issued by it, at such rates, not exceeding eight annas per thousand pounds of tea covered by the lience, as the Governor-General in Council may, by notification in the Gazette of India, fix in this behalf; and

(*b*) copying fees for certified copies of accounts of quotas, at the rate of one rupee per copy:

Provided that the owner of any tea estate to which a quota has been allotted under section 14 may make a consolidated payment of export licence fees at the rate fixed under clause (*a*) to cover the whole of the quota.

(*2*) The Committee shall apply the fees collected by it under this section to the meeting of expenses incurred by it in pursuance of the purposes of this Act.

**22.** (*1*) All licences for the export of tea overseas, all licences for the export of tea to the French and Portuguese Settlements bounded by India, and all quotas issued or fixed by the Licensing Committee constituted under the Tea Licensing Resolution shall be deemed to be licences, permits and quotas respectively, issued or fixed under this Act.

Validation of certain acts already done.

(*2*) All transfers of the right to obtain export licences from the said Licensing Committee shall be valid as if they had been made under this Act.

**23.** The Governor-General in Council may, by notification in the Gazette of India, make rules—

Power to make rules.

(*a*) prescribing the manner in which the export quotas of tea estates shall be determined;

(*b*) regulating the grant of permits for the export of tea to the French and Portuguese Settlements;

(*c*) prescribing the form of export licences, special export licences and permits: and

(*d*) generally, to carry out the purposes of this Chapter.

**24.** No quota fixed and no order granting or refusing to grant any licence or permit under this Chapter shall be called in question in any Court.

Bar of jurisdiction.

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CHAPTER III.

CONTROL OVER THE EXTENSION OF TEA CULTIVATION.

**25.** So long as this Act remains in force, no one shall plant tea in any land which was not planted with tea on the 31st day of March, 1933, save in pursuance of a written permission granted by or on behalf of the Committee.

Method of control of extension of tea cultivation.

*Explanation.*—Land which had been planted with tea at any time during the period of two years before the 31st day of March, 1933, but, in accordance with agricultural practice on tea estates, was lying fallow on that date, shall be deemed to have been planted with tea on the 31st day of March, 1933.

Limits to the extension of tea cultivation.

**26.** (*1*) The total area of land in British India in respect of which the permissions referred to in section 25 may be granted shall not exceed 4,000 acres:

Provided that the Governor-General in Council may deduct from the said 4,000 acres the whole or any part of the increase in the area planted with tea in British India which may have occurred between the 31st day of March, 1933, and the commencement of this Act.

(*2*) The total area of land in any province in respect of which such permissions may be granted shall be determined by the Governor-General in Council, and shall be, as near as may be and subject to the above limit for the whole of British India, one half of one *per centum* of the total area in the province which was planted with tea on the 31st day of March, 1933.

(*3*) The Governor-General in Council shall publish the total areas so allotted to the various provinces, by notification in the Gazette of India, as soon as may be after the commencement of this Act.

Grant of permission to plant tea.

**27.** (*1*) Applications for permission to plant tea on any land for the first time shall be made to the Committee, not later than one month after the commencement of this Act, and shall contain a clear statement of all special circumstances justifying the application.

(*2*) Subject to the limits laid down in section 26, the Committee may grant or refuse the permission applied for, or may grant it in part only, or may call for further information from the applicant.

(*3*) No order by the Committee under sub-section (*2*) shall be called in question in any Court.

Appeal to Local Government.

**28.** (*1*) Any applicant aggrieved by any order of the Committee under section 27 may appeal to the Local Government within sixty days from the date thereof, and the Local Government may on such appeal cancel, modify or suspend any order of the Committee under that section.

(*2*) The records of the Committee relating to proceedings under this Chapter shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Local Government.

Power of Committee to call for return and to inspect estates.

**29.** (*1*) The Committee may serve by post a notice upon the owner of any tea estate, or upon his agent or manager, requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such returns relating to the cultivation of tea on the estate as it may deem necessary to enable it to discharge its duties under this Chapter.

(*2*) Any member of the Committee and any officer of the Committee authorised by it in this behalf may, at any reasonable time, enter upon and inspect the lands of any tea estate, and may require the owner of the estate, or his agent or manager, to produce for inspection any records of the estate in his control or custody, relating to the cultivation of tea on the estate.

(*3*) Where any return required under sub-section (*1*) in respect of any tea estate is not furnished to the Committee within the period specified in the notice, the Committee may refuse to grant any permission under section 27 to plant tea on that estate.

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## CHAPTER IV.

### PENALTIES AND PROCEDURE.

Penalty for illicit export

**30.** A breach of the provisions of sub-section (*1*) or sub-section (*2*) of section 19 shall be punishable as if it were an offence under Item No. 8 of section 167 of the Sea Customs Act, 1878, and the provisions of section 168 and of Chapter XVII of that Act shall apply accordingly. VIII of 1878

Penalty for making false return.

**31.** Any owner of a tea estate, or his agent or manager, who has furnished any return under sub-section (*1*) of section 20 or under sub-section (*1*) of section 29 containing any particular which is false and which he knew to be false or did not believe to be true, shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection of tea estate.

**32.** Whoever obstructs any member or officer of the Committee while such member or officer is entering upon or inspecting the lands of any tea estate under sub-section (*2*) of section 29, and whoever, having control over or custody of any records of a tea estate relating to the cultivation of tea on that estate, refuses or fails to produce such records when required by a member or officer of the Committee under that sub-section, shall be punishable with fine which may extend to one thousand rupees.

Penalty for illicit cultivation.

**33.** Whoever plants or causes to be planted tea in any land in contravention of section 25 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

Removal of tea planted without permission.

**34.** Where any person has been convicted of an offence under section 33, the convicting Court may direct that the tea in respect of which the offence was committed shall be removed from the land within a prescribed time, and in the event of the order not being duly complied with, may cause the tea to be removed and recover the cost from the person convicted as if it were arrears of land revenue due on the tea estate on which the offence was committed.

Trial of offences under sections 31, 32 and 33.

**35.** (*4*) No Magistrate other than a Magistrate of the first class shall take cognisance of an offence under section 31, section 32 or section 33, and such Magistrate may take cognisance of such

an offence only upon complaint made by a person authorised by the Committee in this behalf, and with the previous sanction of the Local Government.

(2) The Committee shall be responsible for the conduct of all prosecutions of offences under section 31, section 32 and section 33.

STATEMENT OF OBJECTS AND REASONS.

In October, 1932, the representatives of the Indian tea industry approached the Government of India with a view to securing their support to an international scheme for the restriction of exports of tea. The condition of the industry was precarious and the collapse of many concerns imminent. Government, therefore, expressed their willingness to consider, on its merits, any practical scheme that might be put forward. The Indian Tea Association, acting for the industry, produced a scheme which had the support of tea interests both in Ceylon and the Netherlands East Indies. The main features of the scheme were:—

(i) that the exports of tea would be restricted to a percentage of the maximum exports from each producing country in any of the three years, 1929, 1930 and 1931;

(ii) that the restriction scheme would remain in force for 5 years commencing from 1st April, 1933; and

(iii) that during this period existing areas under tea would not be extended beyond half per cent. of the present planted area.

The scheme also provided that the heads of agreement would be enforced in each of the contracting countries by the Government concerned.

2. The results of a referendum issued to all known estates have been examined and it appears that over 92 per cent. of the industry, reckoned in terms of production, have expressed themselves in favour of the scheme. The Governments of Madras, Assam and Bengal, within whose jurisdiction bulk of the tea in British India is cultivated, are prepared to restrict the issue of fresh leases for tea cultivation for the period of the agreement and have also agreed to the restriction of planting of areas already leased. Indian Associations have expressed themselves as strongly in favour of the scheme as British interests. Government have, therefore, decided to give official recognition to the scheme and to give legislative sanction to its operation. The Governments of the Netherlands East Indies and Ceylon have already passed laws to give effect to the agreement.

SIMLA;

The 1st August, 1933.

G. S. BAJPAI.

MD. RAFI,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

**LEGISLATIVE ASSEMBLY DEPARTMENT.**

The following Bill was introduced in the Legislative Assembly on the 11th September, 1933:—

L. A. BILL NO. 44 OF 1933.

*A Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes.*

WHEREAS by reason of the constitution of the Reserve Bank of India it is expedient further to amend the Imperial Bank of India Act, 1920, in order to modify the control of the Governor-General in Council over the management of the Bank, to remove certain restrictions on the transaction of business by the Bank, and to provide for an agreement between the Bank and the Reserve Bank of India; It is hereby enacted as follows:— XLVII of 1920.

Short title and commencement.

**1.** (1) This Act may be called the Imperial Bank of India (Amendment) Act, 1933.

(2) It shall come into force on such date as the Governor-General in Council may, by notification in the Gazette of India, appoint.

Amendment of section 2, Act XLVII of 1920.

**2.** After clause (i) of section 2 of the Imperial Bank of India Act, 1920 (hereinafter referred to as the said Act), the following clause shall be inserted, namely:— XLVII of 1920.

"(ii) 'secretary' and 'deputy secretary' mean, respectively, the secretary and treasurer and the deputy secretary and treasurer of the Bank."

Repeal of section 9, Act XLVII of 1920.

**3.** Section 9 of the said Act is hereby repealed.

Amendment of section 10, Act XLVII of 1920.

**4.** (1) In sub-section (1) of section 10 of the said Act,—

(a) for the words "the Secretary of State for India in Council" the words "the Reserve Bank of India" shall be substituted;

(b) in clause (i), the words "to act as banker for, and" shall be omitted, and after the word "securities" the words "as agent for the Reserve Bank of India" shall be inserted; and

(c) in clause (ii), for the words "the Government" the words "the Reserve Bank of India" shall be substituted.

(2) In sub-section (2) of the same section, clause (a) and the brackets and letter "(b)" shall be omitted.

Amendment of section 12, Act XLVII of 1920.

**5.** In clause (a) of section 12 of the said Act, after the words "at such places" the words ", whether in India or elsewhere," shall be inserted.

Amendment of section 13, Act XLVII of 1920.

**6.** In sub-section (1) of section 13 of the said Act, after the words "in India" the words "or elsewhere" shall be inserted, and the Explanation after sub-section (2) shall be omitted.

Amendment of section 23, Act XLVII of 1920.

**7.** In section 23 of the said Act, the words ", with the previous sanction of the Governor-General in Council," and the words "The Bank may also, subject to the provisions of this Act as to the business to be transacted there, establish an office in London" shall be omitted.

Amendment of section 25, Act XLVII of 1920.

**8.** In section 25 of the said Act, the words ", with the previous sanction of the Governor-General in Council," shall be omitted.

Substitution of new section for section 28, Act XLVII of 1920.

**9.** For section 28 of the said Act the following section shall be substituted, namely:—

Constitution of Central Board.

"28. (1) The Central Board shall consist of the following Governors, namely:—

(i) the presidents and vice-presidents of the Local Boards established by this Act;

(ii) a Managing Governor who shall be appointed by the Central Board for a period not exceeding five years on such terms as the Central Board may direct and may be continued in his appointment by the Central Board for such further periods not exceeding five years in each case as the Central Board thinks fit;

(iii) a Deputy Managing Governor who shall be appointed by the Central Board;

(iv) the secretaries of the Local Boards established by this Act, and

(v) if any Local Board is hereafter established under this Act, such number of persons to represent it as the Central Board may prescribe.

(2) The Governors specified in clauses (iii) and (iv) of sub-section (1) shall be at liberty to attend all meetings of the Central Board and to take part in its deliberations, but shall not be entitled to vote on any question arising at any meeting:

Provided that the Deputy Managing Governor shall be entitled to vote in the absence of the Managing Governor."

Repeal of section 30, Act XLVII of 1920.

**10.** Section 30 of the said Act is hereby repealed.

Amendment of Schedule I, Act XLVII of 1920.

**11.** (1) In Part I of Schedule I to the said Act, the following amendments shall be made, namely:—

(a) in sub-clause (iii) of clause (a), after the words "a district board" the words "or a municipal board or committee or, with the sanction of the Governor-General in Council, debentures or other securities for money issued under the authority of a Prince or Chief of any State in India" shall be inserted;

(b) after sub-clause (iii) of the same clause the following sub-clause shall be inserted, namely:—

"(iiia) subject to any general or special directions of the Central Board, fully paid shares and debentures of companies with limited liability whether registered in India or elsewhere;";

(c) for sub-clause (iv) of the same clause the following sub-clause shall be substituted, namely:—

"(iv) goods which, or the documents of title to which, are deposited with, or pledged, hypothecated, assigned or transferred to, the Bank as security for such advances, loans or credits;";

(d) in sub-clause (vi) of the same clause, the words "fully paid shares and debentures of companies with limited liability, or" shall be omitted;

(e) in clause (b), for the words "assigned to" the words "or pledged, hypothecated, assigned or transferred to" shall be substituted, and for the words "or assignment" the words ", pledge, hypothecation, assignment or transfer" shall be substituted;

(f) in clause (d), the words beginning with the words "payable in India, or in Ceylon" and ending with the words "may approve in that behalf" shall be omitted;

(g) in clause (f), the words "made payable in India, or in Ceylon," shall be omitted;

(h) in clause (j), after the word "claims" the following shall be added, namely:—

", and the acquisition and holding of, and generally the dealing with, any right, title or interest in any property, moveable or immoveable, which may be the Bank's security for any loan or advance or may be connected with any such security";

(i) in clause (l), for the words "the acting as administrator, executor or trustee for the purpose of winding up estates" the words "the administration of estates for any purpose whether as an executor, trustee or otherwise" shall be substituted;

(j) in sub-clause (iii) of clause (l), the words "at the risk of the principal" shall be omitted;

(k) in clause (m), the words beginning with the words "for the use of" and ending with the words "personal needs" shall be omitted;

(l) in clause (n), the words ", for the purpose of meeting such bills or letters of credit," shall be omitted;

(m) in clause (o), the words "in India" shall be omitted;

(n) for clause (p) the following clause shall be substituted, namely:—

"(p) the subsidizing from time to time of the pension funds of the Presidency Banks;";

(o) in clause (q), after the words "kinds of business" the words ", including foreign exchange business," shall be inserted.

(2) In clause (4) of Part II of the same Schedule, after the words "negotiable security" the following brackets and words shall be inserted, namely:—

"(not being a security in which a trustee may invest trust money under section 20 of the Indian Trust Act, 1882)."

1882.

**12.** In regulation 10 in Schedule II to the said Act (which Schedule is hereinafter referred to as the said Schedule),—

Amendment of regulation 10, Schedule II, Act XLVII of 1920.

(a) the words "not being fully paid shares" shall be omitted, and

(b) after the words "does not approve" the following shall be inserted, namely:—

"or to any person who is a minor or has been found by a Court of competent jurisdiction to be of unsound mind or to or in the name of any firm."

**13.** For regulation 11 in the said Schedule, the following regulation shall be substituted, namely:—

Substitution of new regulation for regulation 11, Act XLVII of 1920.

"11. The executors or administrators of a deceased shareholder of a share, the holder of a succession certificate issued under Part X of the Indian Succession Act, 1925, in respect of the share, and a person in whose favour a valid instrument of transfer of the share was executed by the deceased holder during his lifetime, shall be the only persons who may be recognised by the Bank as having any title to the share. In the case of a share registered in the names of two or more holders, the survivors or survivor and, on the death of the last survivor, his executors or administrators or any person who is the holder of a succession certificate in respect of such survivor's interest in the share, and a person in whose favour a valid instrument of transfer of the share was executed by such survivor during his lifetime, shall be the only persons who may be recognised by the Bank as having any title to the share."

Deceased shareholders.

X of

**14.** In regulation 12 in the said Schedule,—

Amendment of regulation 12, Schedule II, Act XLVII of 1920.

(a) after the word "shareholder," where it first occurs, the words "or in consequence of a transfer by a deceased shareholder during his lifetime" shall be inserted;

(b) after the words "have the right" the words ", subject to the provisions of regulation 10," shall be inserted; and

(c) the words beginning with "but the Bank shall" and ending with "before the death or insolvency" shall be omitted.

**15.** In regulation 19 of the said Schedule, the words "and with the previous sanction of the Governor-General in Council" shall be omitted, and after the words "increase or" the words ", with the previous sanction of the Governor-General in Council," shall be inserted.

Amendment of regulation 19, Schedule II, Act XLVII of 1920.

**16.** In regulation 23 in the said Schedule, in sub-regulation (2), for the words "a Managing Governor" the words "the Managing Governor or Deputy Managing Governor" shall be substituted.

Amendment of regulation 23, Schedule II, Act XLVII of 1920.

**17.** For regulation 24 in the said Schedule the following regulation shall be substituted, namely:—

Substitution of new regulation for regulation 24, Schedule II, Act XLVII of 1920.

"24. (1) The Central Board shall convene a special meeting on the requisition of any three Governors or of not less than one hundred shareholders holding shares of the aggregate amount of not less than five hundred thousand rupees, upon which all calls or other sums due have been paid, if such requisition is signed by the requisitionists and addressed to the Managing Governor or Deputy Managing Governor and contains a statement of the object of the proposed meeting.

Special meetings.

(2) The requisition may consist of several documents in like form, each signed by one or more of the requisitionists.

(3) Sixty days' previous notice of any such meetings shall be given by the Central Board under the hand of not less than three Governors, and such notice shall state the purpose for which the meeting is convened and the time and place of such meeting, and shall be advertised in the Gazette of India and in not less than three daily newspapers, of which one shall be a newspaper published in the vernacular:

Provided that not less than three months' previous notice shall be thus given of any special meeting held for the purpose of increasing or reducing the capital of the Bank."

**18.** In regulation 36 in the said Schedule, after the words "power or authority," the following words shall be inserted, namely:—

Amendment of regulation 36, Schedule II, Act XLVII of 1920.

"or, in the case of a power of attorney previously deposited and registered with any local head office, a certificate of the secretary of such local head office as to such deposit and registration,".

**19.** In regulation 38 in the said Schedule, for the words "Managing Governors" the words "the Managing Governors or Deputy Managing Governor" shall be substituted.

Amendment of regulation 38, Schedule II, Act XLVII of 1920.

**20.** In regulation 39 in the said Schedule,—

Amendment of regulation 39, Schedule II, Act XLVII of 1920.

(*a*) in the proviso to sub-regulation (*1*), the words "or is nominated or appointed by the Governor-General in Council" shall be omitted;

(*b*) in sub-regulation (*2*), the words beginning with the words "Provided that" and ending with the words and figures "section 28;" shall be omitted; and

(*c*) in sub-regulation (*3*), the words "or of the Central Board and a Local Board" shall be omitted.

**21.** In regulation 40 in the said Schedule, the brackets and words "(other than a Governor nominated or appointed by the Governor-General in Council)" shall be omitted.

Amendment of regulation 40, Schedule II, Act XLVII of 1920.

**22.** In regulation 42 in the said Schedule, for the words "a Managing Governor", wherever they occur, the words "the Managing Governor or Deputy Managing Governor" shall be substituted; and in sub-regulation (*1*), for the words "at every local head office established by this Act" the words "at each of the local head offices established at Calcutta, Bombay and Madras" shall be substituted.

Amendment of regulation 42, Schedule II, Act XLVII of 1920.

**23.** For sub-regulation (*1*) of regulation 44 in the said Schedule the following shall be substituted, namely:—

Amendment of regulation 44, Schedule II, Act XLVII of 1920.

"(*1*) At the first meeting of the Local Board which takes place after the first meeting of the Central Board in each year, the Local Board shall elect from among its members a president and a vice-president who shall continue in their respective offices until the first meeting of the Local Board after the first meeting of the Central Board in the following year, and, whenever the office of the president or vice-president becomes vacant the Local Board shall at its next meeting elect a successor who shall hold office for the unexpired portion of the period for which his predecessor was appointed:

Provided that no person shall be elected to be president or vice-president more than twice in succession."

**24.** In regulation 49 in the said Schedule,—

Amendment of regulation 49, Schedule II, Act XLVII of 1920.

(*a*) in sub-regulation (*1*), for the words "a Managing Governor" the words "the Managing Governor or Deputy Managing Governor" shall be substituted;

(*b*) in sub-regulation (*5*), after the words "secretary" the words "or deputy secretary" shall be inserted.

**25.** In clause (*b*) of regulation 50 in the said Schedule, after the word "servants" the following shall be inserted, namely:—

Amendment of regulation 50, Schedule II, Act XLVII of 1920.

"and to grant gratuities or other financial assistance, either temporary or permanent, to widows, children or other dependents of deceased officers or servants".

**26.** In regulation 51 in the said Schedule, for the word "Governors" the words "Governor and Deputy Managing Governor", and for the word "officers" the word "employees" shall be substituted.

Amendment of regulation 51, Schedule II, Act XLVII of 1920.

**27.** In regulation 54 in the said Schedule, for sub-regulation (*3*) the following shall be substituted, namely:—

Amendment of regulation 54, Schedule II, Act XLVII of 1920.

"(*3*) The statement of the balance shall contain the particulars and shall be in the form required by section 132 of the Indian Companies Act, 1913, and the provisions of that section and of section 136 of the same Act shall apply to the Bank in like manner as they apply to a banking company." VII of 1913.

**28.** In sub-regulation (*2*) of regulation 58 in the said Schedule, for the words in the proviso "a special meeting shall be called for the purpose of supplying the same" the words "the vacancy may be filled by the Central Board" shall be substituted.

Amendment of regulation 58, Schedule II, Act XLVII of 1920.

**29.** After regulation 60 in the said Schedule the following regulation shall be inserted, namely:—

Insertion of new regulation 60-A in Schedule II, Act XLVII of 1920.

"60A. Notwithstanding anything contained in this Act or in section 271 of the Indian Companies Act, 1913, if the shareholders of the Bank pass a special resolution that the Bank be wound up voluntarily under the provisions of the Indian Companies Act, 1913, the Bank shall be wound up in accordance with the provisions of that Act with regard to the voluntary winding up of a company: VII of 1913. VII of 1913.

Liquidation.

Provided that, for the purposes of this section, no such special resolution shall be deemed to have been passed unless at least one-third of the shareholders holding at least one-half of the paid-up capital of the Bank for the time being be present in person or by proxy and a majority poll by open voting in favour of the said resolution and such resolution is thereafter confirmed by a majority of the shareholders at a subsequent special meeting held at an interval of not less than two months or more than three months from the date of the meeting at which the resolution was first passed."

. For regulation 62 in the said Schedule the following regulation shall be substituted, namely:—

Substitution of new regulation for regulation 62. Schedule II, Act XLVII of 1920.

"62. A shareholder who has no registered address in British India and has not supplied to the Bank an address for the giving of notices to him shall not be entitled to any notice, notwithstanding anything contained in this Act."

Absence of registered address.

**31.** Notwithstanding any amendment made in the said Act by this Act in regard to the manner in which the Central Board shall be constituted, the Central Board existing at the commencement of this Act shall, until it has been re-established in accordance with the said Act as amended by this Act, continue to transact business and shall have all the powers of the Central Board under the said Act as so amended.

Temporary saving of existing Central Board.

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## STATEMENT OF OBJECTS AND REASONS.

It has been recognised, since the plan of setting up a Reserve Bank for India was first considered, that, with the transfer to a Reserve Bank of the purely central banking functions which are at present performed by the Imperial Bank of India, the latter should be freed from some of the restrictions which are at present imposed upon it. Accordingly, when the Reserve Bank of India Bill of 1927 was introduced on January 14, 1927, there was also simultaneously introduced an Imperial Bank of India Act (1920) Amendment Bill which was designed to remove some of those restrictions and to modify the control of Government over the operations of the Bank. It is considered expedient that the same practice should now be followed.

2. The more important provisions of the Imperial Bank of India Bill of 1927 have been retained in the present Bill, and are as follows:—

(a) to replace section 10 of the Imperial Bank of India Act by another authorising the bank to enter into an agreement with the Reserve Bank of India to conduct Government business as agent of the Reserve Bank;

(b) to remove the limitation imposed by section 9 on the business which the bank may transact at its London office and to give specific powers to the bank to open branches outside India, in London and elsewhere;

(c) to give the bank extended powers in regard to its internal business and to remove restrictions on the foreign exchange business which the bank may transact.

(d) At present the Controller of the Currency is an *ex-officio* member of the Central Board of the bank and the Governor-General in Council nominates four other members to the Board under section 28 of the Imperial Bank of India Act. Although the Imperial Bank of India will transact Government business as the agent of the Reserve Bank, it will have no direct connection with the Government and it seems unnecessary, for the Government to retain any measure of control over the operations of the bank by the appointment of the members to the Board. It is therefore proposed to remove the right of the Governor-General in Council to appoint such members.

(e) The Governor-General in Council is now entitled under Regulation 54 of the Imperial Bank of India Act to require of the Central Board of the bank any information touching the affairs of the bank and the production of any documents of the bank, and he may also require the publication of such statements of its assets and liabilities in such form and at such intervals as he thinks fit. It is proposed to remove this power from the Governor-General in Council, but, in order that he may be in a position to examine the affairs of the bank in case of necessity, the provision by which he may appoint auditors under regulation 59 to examine and report on the accounts of the Bank is proposed to be maintained.

It is to be noted that this last mentioned provision may be necessary in order to make effective the recommendation in paragraph 29 of the Report of the Reserve Bank Committee, which was recently held in London, that the agreement between the Reserve Bank and the Imperial Bank should contain a statement that its continuance is to be dependent on the maintenance of a sound financial position by the Imperial Bank.

3. The Imperial Bank of India Bill of 1927 was referred to a Joint Committee identical with that which examined the Reserve Bank Bill in that year, and that committee recommended certain amendments, mostly of a minor character, designed to remove defects in the administrative machinery of the Bank. These have been incorporated

in the present Bill. When the Amendment Bill was re-introduced in January 1928, notice of one or two further amendments of minor importance and of a technical character was given by Government at the instance of the Central Board of the Bank. These have also been incorporated.

4. The period which has elapsed since the Bill was originally introduced has enabled the legal advisers of the Imperial Bank to give it fuller consideration and there are certain clauses which they consider should be amended to remove ambiguities and to assist in the smooth working of the Bank after the institution of a Reserve Bank. These matters still remain for discussion with the Central Board of the Imperial Bank and in order to deal with them Government may at a later stage propose such amendments within the scope of the present Bill as they consider desirable. In the meanwhile it is considered expedient that the Legislature should have the opportunity of considering an Imperial Bank Act Amendment Bill together with the Reserve Bank Bill. Accordingly the present Bill is being introduced without further delay in its original form, subject only to the amendments referred to in paragraph 3 above.

SIMLA;

The 6th September, 1933.

GEORGE SCHUSTER.

MD. RAFI,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

**LEGISLATIVE ASSEMBLY DEPARTMENT.**

The following Bill was introduced in the Legislative Assembly on the 11th September, 1933:—

L. A. BILL NO. 45 OF 1933.

*A Bill to amend the Indian Lac Cess Act, 1930, for certain purposes.*

WHEREAS it is expedient to amend the Indian Lac Cess Act, 1930, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

**1.** (*1*) This Act may be called the Indian Lac Cess (Amendment) Act, 1933.

(*2*) This section and section 3 shall come into force at once, and section 2 shall come into force on such date as the Governor-General in Council may, by notification in the Gazette of india, appoint.

Amendment of section 3, Act XXIV of 1930.

In section 3 of the Indian Lac Cess Act, 1930 (hereinafter referred to as the said Act),— XXIV of 1930.

(*a*) for the words "four annas", the words "seven annas" shall be substituted, and

(*b*) for the words "two annas", the words "five annas" shall be substituted.

Amendment of section 4, Act XXIV of 1930.

**3.** In sub-section (*1*) of section 4 of the said Act, after the existing proviso the following further proviso shall be added, namely:—

"Provided further that the Governor-General in Council may at any time, after considering any recommendations which the Committee may make in this behalf, nominate one or more persons to be members of the Committee in addition to the persons specified above, subject to the restriction that the number of members of the Committee who have been so nominated shall not at any time exceed five".

STATEMENT OF OBJECTS AND REASONS.

Under the Indian Lac Cess Act, 1930 (XXIV of 1930), a cess is levied at the rate of 4 annas per maund on lac and 2 annas per maund on refuse lac exported from India. The object of this Bill is to increase the rate of cess to 7 annas for lac and to 5 annas for refuse lac, in order to make funds available to the Indian Lac Cess Committee for extension of research work with the object of expanding the industrial applications of natural lac and meeting the increasing competition of synthetic products. The Indian Lac Cess Committee and the Governments of Bengal, United Provinces, Burma, Bihar and Orissa, Central Provinces and Assam, who are primarily concerned, have been consulted and all support the proposal:

2. It is also proposed to make provision permitting of the appointment of not more than five additional members by the Governor-General in Council. These members would represent such new and additional interests, *e.g.*, the lac-consuming industries in India, whose representation may from time to time be found necessary; the desirability of this measure of elasticity in the composition of the Committee is already apparent. The nomination of such additional members by the Governor-General in Council will be made at any time, as may be expedient, after taking into consideration any recommendations which the Indian Lac Cess Committee may make. The proposals are supported by the Indian Lac Cess Committee.

SIMLA;

The 4th September, 1933.

G. S. BAJPAI.

MD. RAFI,
Offg. Secy. to the Govt. of India.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

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## PART IV.

### Acts of the Indian Legislature assented to by the Governor-General.

GOVERNMENT OF INDIA.

**LEGISLATIVE DEPARTMENT.**

The following Act of the Indian Legislature received the assent of the Governor-General on the 20th September, 1933, and is hereby promulgated for general information:—

ACT No. XX OF 1933.

*An Act further to amend the Cotton Textile Industry (Protection) Act, 1930.*

WHEREAS it is expedient to continue for a further period the protection already given to the cotton textile industry in British India, and for that purpose further to extend the operation of the duties imposed by the Cotton Textile Industry (Protection) Act, 1930; it XVII is hereby enacted as follows:—

Short title.

**1.** This Act may be called the Cotton Textile Industry Protection (Second Amendment) Act, 1933.

Amendment of sections 2 and 3, Act XVII of 1930.

**2.** In sub-section (*2*) of section 2, and in sub-section (*2*) of section 3 of the Cotton Textile Industry (Protection) Act, 1930, for the word and figures XVII "October, 1933" the word and figures "March, 1934" shall be substituted.

L. GRAHAM,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

**LEGISLATIVE DEPARTMENT.**

The following Act of the Indian Legislature received the assent of the Governor-General on the 21st September, 1933, and is hereby promulgated for general information:—

ACT No. XXI OF 1933.

*An Act further to amend the Indian Arbitration Act, 1899, for a certain purpose.*

WHEREAS it is expedient further to amend
f 1899. the Indian Arbitration Act, 1899, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.

**1.** This Act may be called the Indian Arbitration (Amendment) Act, 1933.

Amendment of section 19, Act IX of 1899.

**2.** In section 19 of the Indian Arbitration Act, 1899, for the IX of words "the Court", where they first occur, the words "the judicial authority before which the proceedings are pending" shall be substituted, and for the said words where they occur for the second time, the words "such authority" shall be substituted.

L. GRAHAM,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor-General on the 21st September, 1933, and is hereby promulgated for general information:—

ACT No. XXII OF 1933.

*An Act further to amend the Cantonments (House-Accommodation) Act, 1923, for a certain purpose.*

WHEREAS it is expedient further to amend the Cantonments (House-Accommodation) Act, 1923, for the purpose hereinarter appearing; It is hereby enacted as follows:— (of 1923.)

Short title.

**1.** This Act may be called the Cantonments (House-Accommodation Amendment) Act, 1933.

Amendment of section 15, Act VI of 1923.

**2.** In sub-section *(1)* of section 15 of the Cantonments (House-Accommodation) Act, 1923 (hereinafter referred to as the said Act), the following proviso shall be added, namely:— (of 1923.)

"Provided that where an appeal has been made to the Officer Commanding the District under section 30, the period of thirty days shall be reckoned from the date on which the owner received notice of the result of the appeal under sub-section *(2)* of section 32."

Amendment of section 16, Act VI of 1923.

**3.** In sub-section *(2)* of section 16 of the said Act, the following proviso shall be added, namely:—

"Provided that where an appeal has been made to the Officer Commanding the District under section 30, the period of thirty days shall be reckoned from the date on which the owner received notice of the result of the appeal under sub-section *(2)* of section 32."

Amendment of section 30, Act VI of 1923.

**4.** In section 30 of the said Act, for the words "twenty-one days" the words "ten days" shall be substituted.

Amendment of section 32, Act VI of 1923.

**5.** Section 32 of the said Act shall be numbered as sub-section *(1)* of section 32, and the following sub-section shall be added, namely:—

"*(2)* Notice of the result of the appeal shall be given to the appellant as soon as may be, and, where the appellant is a tenant of the house, to the owner of the house, also."

L. GRAHAM,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor-General on the 21st September, 1933, and is hereby promulgated for general information:—

ACT No. XXIV OF 1933.

# THE INDIAN TEA CONTROL ACT, 1933.

CONTENTS.

PRELIMINARY.

*An Act to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India.*

WHEREAS it is expedient to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India; It is hereby enacted as follows:—

PRELIMINARY.

Short title, extent, commencement and duration.

**1.** (*1*) This Act may be called the Indian Tea Control Act, 1933.

(*2*) It extends to the whole of British India.

(*3*) It shall come into force on such date as the Governor-General in Council may, by notification in the Gazette of India, appoint.

(*4*) It shall not remain in force after the 31st day of March, 1938.

Definitions.

**2.** In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Committee" means the Indian Tea Licensing Committee constituted under this Act;

(*b*) "exported overseas" means exported by sea from British India to any place outside India other than the French and Portuguese Settlements bounded by India;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) "tea" means—

(*i*) in Chapter III, the plant *Camellia Thea* (Linn.), and

(*ii*) in Chapter II, the commodity known as tea made from the leaves of that plant, and includes green tea leaves but excludes tea waste and Burmese pickled tea; and

(*e*) the "Tea Licensing Resolution" means the Resolution of the Government of India published under Finance Department (Central Revenues) Notification No. 30, dated the 20th May, 1933.

## CHAPTER I.

### THE INDIAN TEA LICENSING COMMITTEE.

Constitution of the Indian Tea Licensing Committee.

**3.** (*1*) The Governor-General in Council shall constitute a Committee, to be called the Indian Tea Licensing Committee, consisting of the following members:—

(*a*) six members, one to be nominated by each of the following bodies, namely,—

(*i*) the Indian Tea Association, Calcutta.

(*ii*) the Assam Branch of that Association,

(*iii*) the Surma Valley Branch of that Association,

(*iv*) the Dooars Planters Association,

(*v*) the Indian Tea Planters Association, Jalpaiguri, and the Terai Indian Planters Association, Terai, acting together, and

(*vi*) the Darjeeling Planters Association and the Terai Planters Association, acting together;

(*b*) two members to be nominated by the Local Government of Assam, to represent tea estates owned by Indians in Assam, one for the Assam Valley and the other for the Surma Valley;

(*c*) two members to be nominated by the United Planters Association of Southern India, one representing tea estates in British India, and the other repesenting tea estates in Indian States; and

(*d*) one member to be nominated by the Local Government of Madras to represent tea estates owned in Southern India by Indians:

Provided that any nomination, made in accordance with the above provisions, of any member of the Licensing Committee constituted under the Tea Licensing Resolution, shall be deemed to have been duly made under this Act.

(*2*) As soon as may be after the commencement of this Act the Governor-General in Council shall publish in the Gazette of India the names of all members of the Committee.

Vacancies.

**4.** (*1*) If any authority or body fails to make within a reasonable time any nomination which it is entitled to make under section 3, the Governor-General in Council may himself nominate a member to fill the vacancy.

(*2*) Where a member of the Committee dies, resigns, ceases to reside in India or becomes incapable of acting, the Governor-General in Council may, on the recommendation of the authority or body which is entitled to make the first nomination under section 3, or where such recommendation is not made within a reasonable time, then on his own initiative, nominate a person to fill the vacancy.

(*3*) No act done by the Committee shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Committee.

Chairman, sub-committees and executive officers.

**5.** The Committee shall elect a Chairman from amongst themselves, and may appoint such sub-committees and executive officers as may be necessary for the efficient performance of the duties imposed upon it by this Act:

Provided that the Chairman elected and any sub-committee or executive officer appointed by the Licensing Committee constituted under the Tea Licensing Resolution shall be deemed to have been duly elected and appointed under this Act.

Power to make by-laws.

**6.** (*1*) The Committee may make by-laws consistent with this Act and with the rules made thereunder for all or any of the following matters, namely:—

(*a*) the regulation of the procedure to be followed at meetings of the Committee;

(b) the appointment of sub-committees;

(c) the delegation to sub-committees, members or officers of the Committee of any of the powers of the Committee under this Act;

(d) the determination of the travelling allowances of the members;

(e) the appointment, promotion and dismissal of officers and servants of the Committee, and the creation and abolition of appointments of such officers and servants;

(f) the regulation of the grant of pay and leave to such officers and servants; and

(g) any other matter in respect of which by-laws may be made under this Act or the rules made thereunder.

(2) All by-laws made under this section shall be subject to the previous sanction of the Governor-General in Council.

Governor-General in Council's power of control.

**7.** (1) Save in respect of proceedings and orders under section 27, all acts of the Committee shall be subject to the control of the Governor-General in Council, who may cancel, suspend or modify as he thinks fit any such act.

(2) The records of the Committee shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Governor-General in Council.

Keeping and auditing of accounts.

**8.** (1) The Committee shall keep accounts of all fees received by it under this Act, and of the manner in which they are expended.

(2) Such accounts shall be examined and audited annually by auditors appointed in this behalf by the Governor-General in Council; and such auditors shall have power to disallow any item which has been, in their opinion, expended otherwise than in pursuance of the purposes of this Act.

Dissolution of the Committee.

**9.** (1) The Governor-General in Council may, by notification in the Gazette of India, declare the Committee to be dissolved, and on the date of the publication of such notification the Committee shall stand dissolved and this Act shall be deemed to be repealed.

(2) When the Committee is dissolved, either under this section or by the expiry of this Act, the unexpended balance of fees received by the Committee under this Act shall lapse to Government.

Power to make rules.

**10.** The Governor-General in Council may, by notification in the Gazette of India, make rules—

(a) providing for the establishment and maintenance of offices by the Committee;

(b) providing for the conduct of business by the Committee and determining the number of members which shall form a quorum at meetings;

(c) providing for the maintenance by the Committee of a record of all business transacted and submission of copies thereof to Government;

(d) regulating the preparation of annual estimates of receipts and expenditure;

(e) regulating the keeping of accounts of receipts and expenditure;

(f) determining the custody in which the current account of the Committee shall be kept, and the bank or banks at which surplus monies at the credit of the Committee may be deposited at interest; and

(g) generally, to carry out the provisions of this Chapter.

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## CHAPTER II.

### CONTROL OVER THE EXPORT OF TEA.

Limitation of application of Chapter.

**11.** Nothing in this Chapter shall apply to tea—

(a) proved to the satisfaction of the Customs Collector to have been imported into British India from any port outside India, or

(b) shipped as stores on board any vessel, in such quantity as the Customs Collector considers reasonable having regard to the numbers of the crew and passengers and the length of the voyage on which the vessel is about to depart, or

(c) exported by parcel post.

Method of control of export of tea.

**12.** (1) No tea shall be exported overseas unless covered by a license issued by or on behalf of the Committee.

(2) No tea shall be exported by land or sea to any of the French or Portuguese Settlements bounded by India unless covered by a permit issued by or on behalf of the Committee.

The Indian Overseas Export Allotment.

**13.** (1) The Indian Overseas Export Allotment for the financial year 1933-34, that is, the total quantity of tea which may be exported overseas during that year, including tea exported overseas during that year, before the commencement of this Act, shall be 320,570,560 pounds avoirdupois.

(2) The Indian Overseas Export Allotment for succeeding financial years shall be declared by the Governor-General in Council by notification in the Gazette of India, after consulting the Committee and paying due regard to all interests concerned.

Export quotas of tea estates.

**14.** (1) The export quota of each tea estate for each financial year, that is, the total quantity of tea which may be exported overseas by the owner of the estate during that year, shall be determined by the Committee, in the prescribed manner.

(2) The total of all export quotas for any financial year shall not exceed the Indian Overseas Export Allotment for that year.

*Right to obtain export licenses.*

**15.** (1) The owner of a tea estate to which a quota has been allotted for any financial year shall have a right to obtain at any time during that year export licences to cover the export overseas of tea up to the amount of the unexhausted balance of the quota, that is, up to the amount of the quota less the amount for which export licences have already been issued against it:

Provided that the unexhausted balance of any quota at any time during the financial year 1933-34 after the commencement of this Act shall be the amount of the quota less—

(a) the amount for which export licenses have already been issued against the quota under this Act, and

(b) the amount for which export licences were issued against the quota by the Licensing Committee constituted under the Tea Licensing Resolution, and

(c) the amount of tea produced on the estate and exported overseas after the 31st day of March, 1933, and before the 26th day of May, 1933.

(2) The right of the owner of a tea estate under this section may be transferred in whole or in part, and subject to proof of the transfer to the satisfaction of the Committee, the transferee shall have a right to obtain export licences up to the amount covered by the transfer or up to the amount of the unexhausted balance of the quota, whichever may be less.

*Grant of export licences.*

**16.** (1) The owner of any tea estate to which an overseas export quota has been allotted, or any transferee of his right, may, at any time before the 21st day of March of the financial year to which the quota relates, apply in writing to the Committee for an export licence covering a stated quantity of tea.

(2) If the unexhausted balance of the quota is sufficient to cover the stated quantity, the Committee shall, on receipt of the requisite fee, issue an export licence covering the stated quantity.

(3) Every licence shall be in duplicate in the prescribed form, shall bear the date of its issue, and shall be valid up to the end of the financial year in which it is issued:

Provided that, save as provided in section 17, the Committee shall not date or issue any export licence after the end of the financial year in which the application for it was made.

*Special export licences.*

**17.** (1) Where the tea covered by an export licence has not been exported overseas before the end of the financial year in which the licence was issued, the person to whom the licence was granted may, before the expiry of the first fourteen days of the following financial year, forward the licence to the Committee and submit therewith an application for a special export licence covering the same quantity of tea, and the Committee shall, on receipt of the requisite fee, if any, issue a special export licence accordingly.



(2) A special export licence shall be in duplicate in the prescribed form, shall bear the date of its issue and shall be valid up to the 30th day of June of the year in which it was issued.

(3) The quantity of tea covered by a special export licence shall be accounted for against the export quota of the year in which the original licence was issued.

*Committee to maintain accounts of quotas.*

**18.** (1) The Committee shall maintain an account of every export quota, showing, in addition to such other particulars as the Committee may think fit, the licences issued against it and the unexhausted balance:

Provided that for the financial year 1933-34 each account shall show as single items the amounts set off against the quota under clauses (b) and (c) of the proviso to sub-section (1) of section 15.

(2) Any owner of a tea estate shall be entitled, on payment of the requisite fee, to a copy of the account relating to his quota, certified in the manner laid down in the by-laws.

*Tea for export to be covered by licence or permit.*

**19.** (1) No consignment of tea shall be shipped or waterborne to be shipped for export overseas until the owner has delivered to the Customs Collector a valid export licence or special export licence in duplicate covering the quantity to be shipped.

(2) No consignment of tea shall be shipped or waterborne to be shipped for export to any of the French or Portuguese Settlements bounded by India until the owner has delivered to the Customs Collector a permit granted in this behalf by the Committee covering the quantity to be shipped.

(3) No permit for the passage of any tea by land into any of the French or Portuguese Settlements bounded by India shall be granted under sub-section (1) of section 5 of the Land Customs Act, 1924, unless the XIX
application for such permit is accompanied by a permit granted in this behalf by the Committee covering the quantity to be passed.

*Power of Committee to call for returns.*

**20.** (1) The Committee may serve by post a notice upon the owner of any tea estate, or upon his agent or manager, requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such returns relating to the production, sale and export of tea produced on the estate as it may deem necessary to enable it to discharge its duties under this Chapter.

(2) Where any return required under sub-section (1) in respect of any tea estate is not furnished to the Committee within the period

specified in the notice, the Committee may refuse to allot a quota to that estate under section 14, or, where a quota has already been allotted, may cancel the unexhausted balance of that quota and refuse to issue any further export licences under section 16 against that quota.

Fees.

**21.** (*1*) The Committee may charge and collect the following fees, namely:—

(*a*) a licence fee for every export licence or special export licence issued by it, at such rates, not exceeding eight annas per thousand pounds of tea covered by the licence, as the Governor-General in Council may, by notification in the Gazette of India, fix in this behalf; and

(*b*) copying fees for certified copies of accounts of quotas, at the rate of one rupee per copy:

Provided that the owner of any tea estate to which a quota has been allotted under section 14 may make a consolidated payment of export licence fees at the rate fixed under clause (*a*) to cover the whole of the quota.

(*2*) The Committee shall apply the fees collected by it under this section to the meeting of expenses incurred by it in pursuance of the purposes of this Act and, with the previous sanction of the Governor-General in Council, to the payment of a contribution towards the maintenance of any international committee established in furtherance of the said purposes in tea producing countries generally.

Validation of certain acts already done.

**22.** (*1*) All licences for the export of tea overseas, all licences for the export of tea to the French and Portuguese Settlements bounded by India, and all quotas issued or fixed by the Licensing Committee constituted under the Tea Licensing Resolution shall be deemed to be licences, permits and quotas respectively, issued or fixed under this Act.

(*2*) All transfers of the right to obtain export licences from the said Licensing Committee shall be valid as if they had been made under this Act.

Power to make rules.

**23.** The Governor-General in Council may, by notification in the Gazette of India, make rules—

(*a*) prescribing the manner in which the export quotas of tea estates shall be determined;

(*b*) regulating the grant of permits for the export of tea to the French and Portuguese Settlements;

(*c*) prescribing the form of export licences, special export licences and permits; and

(*d*) generally, to carry out the purposes of this Chapter.

Bar of jurisdiction.

**24.** No quota fixed and no order granting or refusing to grant any licence or permit under this Chapter shall be called in question in any Court.

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## CHAPTER III.

### CONTROL OVER THE EXTENSION OF TEA CULTIVATION.

Method of control of extension of tea cultivation.

**25.** So long as this Act remains in force, no one shall plant tea on any land which was not planted with tea on the 31st day of March, 1933, save in pursuance of a written permission granted by or on behalf of the Committee.

*Explanation.*—Land which had been planted with tea at any time during the period of two years before the 31st day of March, 1933, but, in accordance with agricultural practice on tea estates, was lying fallow on that date, shall be deemed to have been planted with tea on the 31st day of March, 1933.

Limits to the extension of tea cultivation.

**26.** (*1*) The total area of land in British India in respect of which the permissions referred to in section 25 may be granted shall not exceed 4,000 acres:

Provided that the Governor-General in Council may deduct from the said 4,000 acres the whole or any part of the increase in the area planted with tea in British India which may have occurred between the 31st day of March, 1933, and the commencement of this Act.

(*2*) The total area of land in any province in respect of which such permissions may be granted shall be determined by the Governor-General in Council, and shall be, as near as may be and subject to the above limit for the whole of British India, one half of one *per centum* of the total area in the province which was planted with tea on the 31st day of March, 1933.

(*3*) The Governor-General in Council shall publish the total areas so allotted to the various provinces, by notification in the Gazette of India, as soon as may be after the commencement of this Act.

Grant of permission to plant tea.

**7.** (*1*) Applications for permission to plant tea on any land for the first time shall be made to the Committee, not later than one month after the commencement of this Act, and shall cont[ain] a clear statement of all special circumstances justifying the application.

(*2*) Subject to the limits laid down in section 26, the Committee may grant or refuse the permission applied for, or may grant it in part only, or may call for further information from the applicant.

(*3*) No order by the Committee under sub-section (*2*) shall be called in question in any Court.

**28.** (*1*) Any applicant aggrieved by any order of the Committee under section 27 may appeal to the Local Government within sixty days from the date thereof, and the Local Government may on such appeal cancel, modify or suspend any order of the Committee under that section.

Appeal to Local Government.

(*2*) The records of the Committee relating to proceedings under this Chapter shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Local Government.

**29.** (*1*) The Committee may serve by post a notice upon the owner of any tea estate, or upon his agent or manager, requiring him to furnish, within such period not being less than thirty days as may be spceified in the notice, such returns relating to the cultivation of tea on the estate as it may deem necessary to enable it to discharge its duties under this Chapter.

Power of Committee to call for return and to inspect estates.

(*2*) Any member of the Committee and any officer of the Committee authorised by it in this behalf may, at any reasonable time, enter upon and inspect the lands of any tea estate, and may require the owner of the estate, or his agent or manager, to produce for inspection any records of the estate in his control or custody relating to the cultivation of tea on the estate.

(*3*) Where any return required under sub-section (*1*) in respect of any tea estate is not furnished to the Committee within the period specified in the notice, the Committee may refuse to grant any permission under section 27 to plant tea on that estate.

## CHAPTER IV.

### PENALTIES AND PROCEDURE.

**30.** A breach of the provisions of sub-section (*1*) or sub-section (*2*) of section 19 shall be punishable as if it were an offence under Item No. 8 of section 167 of the Sea Customs Act, 1878, and the provisions of section 168 and of Chapter XVII of that Act shall apply accordingly.

Penalty for illicit export.

VIII of 1878.

**31.** Any owner of a tea estate, or his agent or manager, who has furnished any return under sub-section (*1*) of section 20 or under sub-section (*1*) of section 29 containing any particular which is false and which he knew to be false or did not believe to be true, shall be punishable with fine which may extend to one thousand rupees.

Penalty for making false return.

**32.** Whoever obstructs any member or officer of the Committee while such member or officer is entering upon or inspecting the lands of any tea estate under sub-section (*2*) of section 29, and whoever, having control over or custody of any records of a tea estate relating to the cultivation of tea on that estate, refuses or fails to produce such records when required by a member or officer of the Committee under that sub-section, shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection of tea estate.

**33.** Whoever plants or causes to be planted tea in any land in contravention of section 25 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees of any subsequent offence.

Penalty for illicit cultivation.

**34.** Where any person has been convicted of an offence under section 33, the convicting Court may direct that the tea in respect of which the offence was committed shall be removed from the land within a prescribed time, and in the event of the order not being duly complied with, may cause the tea to be removed and recover the cost from the person convicted as if it were arrears of land revenue due on the tea estate on which the offence was committed.

Removal of tea planted without permission.

**35.** (*1*) No Magistrate other than a Magistrate of the first class shall take cognisance of an offence under section 31, section 32 or section 33, and such Magistrate may take cognisance of such an offence only upon complaint made by a person authorised by the Committee in this behalf, and with the previous sanction of the Local Government.

Trial of offences under sections 31, 32 and 33.

(*2*) The Committee shall be responsible for the conduct of all prosecutions of offences under section 31, section 32 and section 33.

L. GRAHAM,

Secy. to the Govt. of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor-General on the 21st September, 1933, and is hereby promulgated for general information:—

### ACT No. XXV OF 1933.

*An Act further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.*

WHEREAS an International Convention for the Safety of Life at Sea was signed in London on the 31st day of May, 1929, for promoting safety of life at sea by establishing in common agreement uniform principles and rules directed thereto;

AND WHEREAS an International Load Line Convention was signed in London on the 5th day of July, 1930, for promoting safety of life and property at sea by establishing in common agreement uniform principles and rules with regard to the limits to which ships on international voyages may be loaded;

AND WHEREAS the Government of India by its representatives was a signatory to the said Conventions;

AND WHEREAS in order to give effect to the said Conventions and in order in certain other respects to make better provision for Merchant Shipping it is expedient to amend the Indian Merchant Shipping Act, 1923, for the purposes hereinafter appearing; XXI of 1923.

It is hereby enacted as follows:—

Short title and commencement.

**1.** (*1*) This Act may be called the Indian Merchant Shipping (Second (Amendment) Act, 1933.

(*2*) This section shall come into force at once: the rest of this Act or any section thereof shall come into force on such date as the Governor-General in Council may, by notification in the Gazette of India, appoint in this behalf.

Amendment of section 2, Act XXI of 1923.

**2.** In section 2 of the Indian Merchant Shipping Act, 1923 (hereinafter referred to as the said Act),— XXI of 1923.

(*a*) in clause (5), for the figures "1894—1921" the figures "1894—1932" shall be substituted;

(*b*) in clause (6), after the word "servants" the following words shall be added, namely:—

", but does not include any persons on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance which neither the caster nor the owner could have prevented or forestalled";

(*c*) after clause (6), the following clause shall be inserted, namely:—

"(6A) 'passenger steamer' means a steamship carrying more than twelve passengers ;".

Amendment of section 90, Act XXI of 1923.

**3.** For sub-section (*1*) of section 90 of the said Act, the following sub-section shall be substituted, namely:—

"(*1*) Every place in a British ship which is occupied by seamen or apprentices engaged under this Act and appropriated for their use shall have for each seaman or apprentice a space of not less than twelve superficial feet and not less than seventy-two cubic feet."

Amendment of section 121, Act XXI of 1923.

**4.** In section 121 of the said Act, after clause (xiii) the following clauses shall be added, namely:—

"(xiv) the times of closing and opening the hinged doors, portable plates, side scuttles, gangway cargo and coaling ports and other openings which are required by any rules made under this Act to be kept closed during navigation;

(xv) a record of all drills and inspections required by any rules made under this Act with an explicit record of any defects disclosed; and, if boat-drill is not practised on board the ship in any week, the reasons why boat-drill was not practised in that week."

Amendment of section 134, Act XXI of 1923.

**5.** In section 134 of the said Act,—

(*a*) in clause (*b*), after the word "equipments" the brackets and words "(including life-saving appliances and wireless telegraphy installation)", and after the words "engine-driver" the words "and of the wireless telegraphy operators and watchers" shall be inserted; and

(*b*) for clause (*d*) the following clause shall be substituted, namely:—

"(*d*) the voyages or class of voyages on which, as regards construction, machinery and equipments, the steamship is in the surveyor's judgment fit to ply;".

Amendment of section 139, Act XXI of 1923.

**6.** In section 139 of the said Act, the word "or" at the end of clause (*b*), and the whole of clause (*c*) shall be omitted.

Insertion of new section 139-A in Act XXI of 1923.

**7.** After section 139 of the said Act the following section shall be inserted, namely:—

Alterations in steamships subsequent to grant of certificate of survey, and additional surveys.

"139A. (*1*) The owner or master of a steamship in respect of which a certificate of survey has been granted under this Part, shall, as soon as possible after any alteration is made in the steamship's hull, equipments or machinery which affects the efficiency thereof or the sea-worthiness of the steamship, give written notice to such person as the Governor-General in Council may direct containing full particulars of the alteration.

(*2*) If the owner or master of a steamship, without reasonable cause, neglects to give the notice required by this section, he shall be liable to a fine which may extend to five hundred rupees.

(*3*) if the Governor-General in Council has reason to believe that since the making of the last declaration of survey in respect of a steamship—

(*a*) any such alteration as aforesaid has been made in the hull, equipments or machinery of the steamship; or

(*b*) the hull, equipments or machinery of the steamship have sustained any injury or are otherwise insufficient,

the Governor-General in Council may require the steamship to be again surveyed to such extent as he may think fit, and, if such requirement is not complied with, may cancel any certificate of survey issued under this Part, in respect of the said steamship."

**8.** After section 143 of the said Act the following section shall be inserted, namely:—

Insertion of new section 143A in Act XXI of 1923.

"143. (*1*) No steamship for which a certificate of survey is required by this Part shall carry as ballast or as cargo any goods which by reason of their nature, quantity or mode of stowage are either singly or collectively liable to endanger the lives of the passengers or the safety of the ship.

Prohibition of carriage of dangerous cargo.

(*2*) The Governor-General in Council may, subject to the condition of previous publication, make rules determining what goods are to be considered dangerous goods and prescribing the precautions which must be taken in the package and stowage thereof.

(*3*) If goods are carried in any steamship in contravention of the provisions of this section or of the rules made thereunder, the owner or master shall for each offence be liable to a fine which may extend to three thousand rupees and the steamship shall be deemed for the purpose of section 232 to be unsafe by reason of improper loading."

**9.** In section 144 of the said Act,—

Amendment of section 144, Act XXI of 1923.

(*a*) in sub-section (*1*), the words "attested by a British Consular Officer at the port where the survey was made" shall be omitted; and

(*b*) in sub-section (*2*), the words "and duly attested by the British Consular Officer at that port" shall be omitted.

**10.** After clause (*a*) of sub-section (*2*) of section 145 of the said Act the following clause shall be inserted, namely:—

Amendment of section 145, Act XXI of 1923.

"(*aa*) declare the requirements as to construction, machinery, equipments (including life-saving appliances and wireless telegraphy installation) and marking of subdivision load lines, which are to be fulfilled before a declaratoin of survey may be granted;".

**11.** After section 145 of the said Act the following section shall be inserted, namely:—

Insertion of new sec on 145A in Act XXI of 1923.

"145A. (*1*) The Governor-General in Council may, subject to the condition of previous publication, make rules in respect of steamships for which a certificate of survey is required by this Part, regulating the provisions to be made for the safety of life at sea.

Power of Governor-General in Council to make rules as to safety of life.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may regulate—

(*a*) the control of hinged doors, portable plates, side scuttles, gangway cargo and coaling ports and other openings;

(*b*) the methods to be adopted and the appliances to be carried for the prevention, detection and extinction of fire;

(*c*) the provision of means of making signals of distress and the supply of lights inextinguishable in water and fitted for attachment to life-buoys;

(*d*) the provision of boats, life-boats, life-rafts and buoyant apparatus, their equipment, and the specifications with which they shall comply, and the marking of these so as to show the dimensions thereof and the number of persons that may be carried thereon;

(*e*) the manning of boats and life-boats and the qualifications and certificates of life-boat men;

(*f*) the provision to be made for mustering the passengers and crew and for embarking them in the boats and life-boats (including provision as to the lighting of, and as to the means of ingress to, and egress from, different parts of the ship);

(*g*) the practising of boat drills; and

(*h*) the assignment of specific duties to each member of the crew in the event of an emergency.

(*3*) In making a rule under this section the Governor-General in Council may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues."

**12.** In Part IV of the said Act, in the headings and elsewhere wherever the expressions occur, for the expressions "native passenger", "native

Amendment of Part IV, Act XXI of 1923.

passengers ", " native passenger ship " and " native passenger ships ", respectively, the expressions unberthed passenger ", " unberthed passengers ", " unberthed passenger ship " and unberthed passenger ships ", shall be substituted.

**13.** In section 147 of the said Act,—

Amendment of section 147, Act XXI of 1923.

(*a*) in sub-section (*2*),—

(*i*) for clause (*a*) the following clause shall be substituted, namely:—

"(*a*) to any steamship not carrying more than sixty unberthed passengers;", and

(*ii*) for clause (*b*) the following clause shall be substituted, namely:—

"(*b*) to any ship not intended to carry unberthed passengers to or from any port in British India; or"; and

(*b*) in sub-section (*3*), for the words " carrying as passengers more than fifteen natives of Asia or Africa " the words " carrying more than fifteen unberthed passengers " shall be substituted, and for the words " carrying as passengers more than thirty such persons " the words " carrying more than thirty such passengers " shall be substituted.

**14.** For clause (*1*) of section 149 of the said Act the following clause shall be substituted, namely:—

Amendment of section 149, Act XXI of 1923.

" (*1*) ' unberthed passenger ' means a passenger of the age of twelve years or upwards for whom no separate accommodation in any cabin, State room or saloon is reserved; but it does not include either a passenger in attendance on a person who is not an unberthed passenger or a child under one year of age; and, in the computation of passengers for any of the purposes of this Part, two persons of the age of one year or upwards and under the age of twelve years shall be reckoned as one unberthed passenger;".

**15.** In section 155 of the said Act,—

Amendment of section 155, Act XXI of 1923.

(*a*) in clause (*f*), for the words " propelled principally by steam " the words " propelled principally by machinery " shall be substituted; and

(*b*) in clause (*g*), for the words " propelled principally by steam " the words " propelled principally by machinery " shall be substituted, and for the words " steam power " the word " power " shall be substituted.

**16.** In sub-section (*1*) of section 160 of the said Act, for the words " unless he is satisfied that the ship has not " the words " if he has reason to believe that the ship has " shall be substituted.

Amendment of section 160, Act XXI of 1923.

**17.** To the proviso to section 177 of the said Act the following words shall be added, namely:—

Amendment of section 177, Act XXI of 1923.

" but shall obtain from the certifying officer an endorsement on the certificate B showing the number of passengers taken on board, and the number of passengers discharged, at that port or place."

**18.** In sub-section (*2*) of section 179 of the said Act, for the word " steam ", in both places where it occurs, the word " machinery " shall be substituted.

Amendment of section 179, Act XXI of 1923.

**19.** In sub-section (*1*) of section 183 of the said Act, for the word " steam " the word " machinery " shall be substituted.

Amendment of section 183, Act XXI of 1923.

**20.** In sub-section (*1*) of section 184 of the said Act, the words " from or to any port in British India to or from any port in the Red Sea " shall be omitted.

Amendment of section 184, Act XXI of 1923.

**21.** In sub-section (*1*) of section 200 of the said Act, for the words " propelled principally by steam " the words " propelled principally by machinery " shall be substituted, and for the words " steam-power " the word " power " shall be substituted.

Amendment of section 200, Act XXI of 1923.

**22.** In clause (*l*) of sub-section (*1*) of section 213 of the said Act, for the words " steam-power " the word " power " shall be substituted.

Amendment of section 213, Act XXI of 1923.

**23.** In Part V of the said Act, after the main heading " SAFETY " and before the heading " *Prevention of Collisions* " preceding section 214, the following section shall be inserted, namely:—

Insertion of new section 213A in Act XXI of 1923.

" 213A. In this Part the expressions ' Country to which the International Convention respecting Load Lines, 1930, applies ' and ' Country to which the International Convention for the Safety of Life at Sea, 1929, applies ', mean—

Definition.

(*i*) a country which has been declared by Order in Council made by His Majesty under section 65 or section 37 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, to have ratified or acceded to the Convention specified in the expression and has not been so declared to have denounced the Convention;

(*ii*) any colony or overseas territory of, or any protectorate or territory under suzerainty or mandate of a country so declared, in respect of which a declaration under the said section of the said Act has been

made that the Convention specified in the expression has been applied to such colony, territory or protectorate, and no declaration has been made that the said Convention has ceased to apply."

Insertion of new sections 216A and 216B in Act XXI of 1923.

**24.** After section 216 of the said Act, the following heading and sections shall be inserted, namely:—

*"Life-saving Appliances.*

Power of Governor-General in Council to make rules as to life-saving appliances.

216A. (*1*) The Governor-General in Council may, subject to the condition of previous publication, make rules prescribing the life-saving appliances to be carried by every British ship going to sea from any port in British India.

(*2*) In making a rule under this section, the Governor-General in Council may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

Inspection of provision of life-saving appliances.

216B. (*1*) A surveyor appointed under section 129 of this Act may, at any reasonable time, inspect any ship for the purpose of seeing that she is properly provided with life-saving appliances in conformity with the rules made under this Act.

(*2*) If the said surveyor finds that the ship is not so provided he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

(*3*) Every notice so given shall be communicated in the manner directed by the Governor-General in Council to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance, and the ship shall be detained until a certificate signed by such surveyor is produced to the effect that the ship is properly provided with life-saving appliances in conformity with the said rules.

(*4*) Such fees may be charged for the grant of the certificate referred to in sub-section (*3*) as the Governor-General in Council may prescribe."

Substitution of new sections 217—224M for sections 217—224, Act XXI of 1923.

**25.** For the heading to sections 217 to 224 of the said Act and for those sections the following headings and sections shall be substituted, namely:—

*"Load Lines.*

Operation of provisions relating to load lines.

217. (*1*) Sections 218 to 224M inclusive (hereinafter referred to as 'the provisions of this Part relating to load lines') shall have effect only from such date as the Governor-General in Council may, by notification in the Gazette of India, appoint in this behalf.

(*2*) Notwithstanding the provisions of sub-section (*1*) the power to make rules conferred by section 219 and by sub-section (*1*) of section 224M may be exercised, and a load-line certificate may be issued in accordance with the rules made under section 219, at any time before such appointed date as if the provisions of this Part relating to load lines were already in force; and where a load-line certificate is so issued in respect of any ship, or where before such appointed date a certificate granted under section 223 of this Act as in force prior to its amendment by the Indian Merchant Shipping (Second Amendment) Act, 1933, ceases to be XXV
in force in respect of any ship, the provisions of this Part relating to load lines shall be deemed to have come into force with respect to such ship as from the date on which the said load-line certificate is issued or the said certificate granted under section 223 ceases to be in force, as the case may be.

Ships exempt from provisions relating to load lines.

218. (*1*) The provisions of this Part relating to load lines shall not apply to—

(*i*) any sailing ship of less than 150 tons gross tonnage employed in plying coastwise between ports situated in India and Ceylon;

(*ii*) any ship solely engaged in fishing;

(*iii*) any pleasure yacht.

(*2*) The Governor-General in Council may, on such conditions as he may think fit, exempt from the provisions of this Part relating to load lines—

(*i*) any ship plying between the near neighbouring ports of two or more countries if the Governor-General in Council and the Governments of those countries are satisfied that the sheltered nature and conditions of the voyages between those ports make it unreasonable or impracticable to apply to ships so plying the provisions of this Part relating to load lines;

(*ii*) any ship plying between near neighbouring ports of the same country if the Governor-General in Council is satisfied as aforesaid;

(*iii*) wooden ships of primitive build if the Governor-General in Council considers that it would be unreasonable or impracticable to apply the said provisions to them;

(*iv*) any class of steamships of less than 150 tons gross tonnage which are employed in plying coastwise between ports situated in India and Ceylon and do not carry cargo.

219. The Governor-General in Council may, subject to the condition of previous publication, make rules (hereafter in this Act referred to as 'the load-line rules') regulating the survey of ships for the purpose of assignment and marking of load lines and prescribing the conditions (hereafter in this Act referred to as 'the conditions of assignment') on which load lines may be assigned.

Power of Governor General in Council to make rules as to load lines.

220. (*1*) No British ship registered in British India, being a ship of which the keel was laid after the 30th day of June, 1932, and not being exempt from the provisions of this Part relating to load lines, shall proceed to sea unless—

Marking of deck line and load lines.

(*i*) the ship has been surveyed in accordance with the load-line rules;

(*ii*) the ship complies with the conditions of assignment;

(*iii*) the ship is marked on each side with a mark (hereafter in this Act referred to as a 'deck line') indicating the position of the uppermost complete deck as defined by the load-line rules, and with marks (hereafter in this Act referred to as 'load lines') indicating the several maximum depths to which the ship can be safely loaded in various circumstances prescribed by the load-line rules;

(*iv*) the deck line and load lines are of the description required by the load-line rules, the deck line is in the position required by those rules, and the load lines are of the number required by such of those rules as are applicable to the ship; and

(*v*) the load lines are in the position required by such of the load-line rules as are applicable to the ship.

(*2*) No British ship registered in British India, being a ship of which the keel was laid before the first day of July, 1932, and not being exempt from the provisions of this Part relating to load lines, shall proceed to sea unless—

(*i*) the ship has been surveyed and marked in accordance with clauses (*i*), (*iii*) and (*iv*) of sub-section (*1*);

(*ii*) the ship complies with the conditions of assignment in principle and also in detail so far as, in the opinion of the Governor-General in Council, is reasonable and practicable having regard to the efficiency of the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters provided by the arrangements, fittings and appliances existing on the ship at the time when she is first surveyed under this section; and

(*iii*) the load lines are either in the position required by clause (*v*) of sub-section (*1*) or in the position required by the tables used by the Board of Trade on the 31st day of December, 1906, for fixing the position of load lines, subject to such modifications of those tables and of the application thereof as were in force immediately before the 5th day of July, 1930.

(*3*) If any ship proceeds or attempts to proceed to sea in contravention of this section, the master or owner thereof shall for each offence be liable to fine which may extend to one thousand rupees.

(*4*) Any ship attempting to proceed to see without being surveyed and marked as required by this section may be detained until she has been so surveyed and marked, and any ship which does not comply with the conditions of assignment to the extent required in her case by this section shall be deemed to be unsafe for the purpose of section 232.

221. (*1*) A British ship registered in British India (not being exempt from the provisions of this Part relating to load lines) shall not be so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line indicating or purporting to indicate the maximum depth to which the ship is for the time being entitled under the load-line rules to be loaded.

Submersion of load line.

(*2*) If any such ship is loaded in contravention of this section, the owner or master of the ship shall for each offence be liable to a fine which may extend to one thousand rupees and to such additional fine, not exceeding the amount hereinafter specified, as the Court thinks fit to impose having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

(*3*) The said additional fine shall not exceed one thousand rupees for every inch or fraction of an inch by which the appropriate load line on each side of the ship was submerged, or would have been submerged if the ship had been in salt water and had had no list.

(*4*) In any proceedings against an owener or master for a contravention of this section, it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestallad.

(*5*) Without prejudice to any proceedings under the foregoing provisions of this section, any ship which is loaded in contravention of this section may be detained until she ceases to be so loaded.

222. If—

Offences in relation to marks.

(*i*) the owner or master of a British ship registered in British India, which has been marked in accordance with the foregoing provisions of this Part, fails without reasonable cause to keep the ship so marked, or

(ii) any person conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any mark placed on any such ship in accordance with the foregoing provisions of this Part, except with the authority of a person entitled under the load-line rules to authorise the alteration of the mark or except for the purpose of escaping capture by an enemy,

he shall for each offence be liable to a fine which may extend to one thousand rupees.

Inspection of ships with respect to load lines.

223. A surveyor authorised in this behalf by the Governor-General in Council may inspect any British ship registered in British India for the purpose of seeing that the provisions of this Part relating to load lines have been complied with and for this purpose may go on board the ship at all reasonable times and do all things necessary for the proper inspection of the ship and may also require the master of the ship to supply him with any information which it is in the power of the master to supply for that purpose, including the production of any certificate granted under this Part in respect of the ship.

*Certificates.*

Issue of load-line certification and effect thereof

224. (1) Where a British ship registered in British India has been surveyed and marked in accordance with the foregoing provisions of this Part and complies with the conditions of assignment to the extent required in her case by those provisions, there shall be issued to the owner of the ship on his application and on payment of the prescribed fee—

(i) in the case of a ship of 150 tons gross tonnage or upwards which carries cargo or passengers, a certificate to be called ' an international load-line certificate '; and

(ii) in the case of any other ship, a certificate to be called ' a British India load-line certificate '.

(2) Every such certificate shall be issued either by the Governor-General in Council or by such other person as may be authorised in that behalf by the Governor-General in Council and shall be issued in such form and manner as may be prescribed by the load-line rules.

(3) The Governor-General in Council may request the Government of a country to which the International Convention respecting Load Lines, 1930, applies, to issue a load-line certificate in the form of an international load-line certificate under that Convention in respect of a British ship registered in British India, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Part as if it had been issued by the Governor-General in Council.

(4) Where a load-line certificate, issued in pursuance of this section and for the time being in force, is produced in respect of a ship, the ship shall, for the purposes of the foregoing provisions of this Part, be deemed to have been surveyed as required by those provisions, and, if the deck line and load lines on the ship are of the number and description required by the load-line rules and the position of the deck line and load lines corresponds with the position specified in the certificate, the ship shall be deemed to be marked as required by those provisions.

Duration, renewal and cancellation of certificates.

224A. (1) Every load-line certificate issued by or under the authority of the Governor-General in Council shall, unless it is renewed in accordance with the provisions of sub-section (2), expire at the end of such period, not exceeding five years from the date of its issue, as may be specified therein.

(2) Any such load-line certificate may, after a survey not less effective than the survey required by the load-line rules before the issue of the certificate, be renewed from time to time by the Governor-General in Council, or by any person authorised by the Governor-General in Council to issue a load-line certificate, for such period (not exceeding five years on any occasion) as the Governor-General in Council or the person renewing the certificate thinks fit.

(3) The Governor-General in Council shall cancel any such load-line certificate in force in respect of a ship if he has reason to believe that—

(i) material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines; or

(ii) the fittings and appliances for the protection of openings, the guard rails, the freeing ports or the means of access to the crew's quarters have not been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(4) The owner of every ship in respect of which any such certificate has been issued shall, so long as the certificate remains in force, cause the ship to be surveyed in the prescribed manner once at least in each year after the issue of the certificate for the purpose of seeing whether the certificate should, having regard to sub-section (3), remain in force, and if the ship is not so surveyed, the Governor-General in Council shall cancel the certificate:

Provided that the Governor-General in Council, if he thinks fit in any particular case, may extend the said period of one year.

(5) Where any such load-line certificate has expired or been cancelled, the Governor-General in Council may require the owner or master of the ship to which the certificate relates to deliver up the certificate as he directs, and the ship may be detained until such requirement has been complied with, and if the owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine which may extend to one hundred rupees.

(6) On the survey of any ship in pursuance of this section there shall be paid by the owner of the ship such fee as may be prescribed.

Ships not to proceed to sea without certificate.

224B. (1) No British ship registered in British India shall proceed to sea unless there is in force in respect of the ship a load-line certificate issued under the provisions of section 224.

(2) The master of every British ship registered in British India shall produce to the officer of Customs, from whom a port clearance for the ship is demanded, the certificate which is required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and the port clearance shall not be granted, and the ship may be detained, until that certificate is so produced.

(3) The master of any ship which proceeds or attempts to proceed to sea in contravention of this section shall for each offence be liable to a fine which may extend to one thousand rupees.

Publication of load-line certificate and particulars relating to depth of loading.

224C. (1) When a load-line certificate has been issued in pursuance of the foregoing provisions of this Part in respect of a British ship registered in British India other than a home-trade ship not exceeding 300 tons burden—

(i) the owner of the ship shall forthwith on the receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and to be kept so framed and posted up and ligible so long as the certificate remains in force and the ship is in use; and

(ii) the master of the ship, before making any other entry in any official log-book, shall enter or cause to be entered therein the particulars as to the position of the deck line and load lines specified in the certificate.

(2) Before any such ship leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master thereof shall—

(i) enter or cause to be entered in the official log-book such particulars relating to the depth to which the ship is for the time being loaded as the Governor-General in Council may by rules made in this behalf prescribe; and

(ii) cause a notice, in such form and containing such of the said particulars as may be required by the said rules, to be posted up in some conspicuous place on board the ship and to be kept so posted up and legible until the ship arrives at some other dock, wharf, harbour or place:

Provided that the Governor-General in Council may by the said rules exempt home-trade ships or any class of home-trade ships from the requirements of clause (ii) of this sub-section.

(3) If the master or owner of any British ship registered in British India fails to comply with the provisions of this section, he shall for each offence be liable to a fine which may extend to two hundred rupees.

Insertion of particulars as to load lines in agreements with crew.

224D. (1) Before an agreement with the crew of any British ship registered in British India, in respect of which a load-line certificate is in force, is signed by any member of the crew, the master of the ship shall insert in the agreement the particulars as to the position of the deck line and load lines specified in the certificate, and if he fails to do so, he shall for each offence be liable to a fine which may extend to two hundred rupees.

(2) In the case of a British ship registered in British India, being a foreign-going ship, the shipping master shall not proceed with the engagement of the crew until—

(i) there is produced to him a load-line certificate for the time being in force in respect of the ship; and

(ii) he is satisfied that the particulars required by this section have been inserted in the agreement with the crew.

*Special provisions as to ships not registered in British India.*

Load-line certificates of ships not registered in British India.

224E. (1) The Governor-General in Council may, at the request of a country to which the International Convention respecting Load Lines, 1930, applies, issue an international load-line certificate in respect of a ship of that country if he is satisfied in like manner as in the case of a British ship registered in British India that he can properly issue the certificate, and where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

(2) With a view to determining the validity in British India of certificates purporting to have been issued in accordance with the International Convention respecting Load Lines, 1930, in respect of ship not registered in British India, the Governor-General in Council shall make such rules as appear to him to be necessary, and for the purpose of the provisions hereafter contained in this Part relating to ships not registered in British India, the expression 'a valid international load-line certificate' means a certificate complying with such of those rules as are applicable in the circumstances.

Inspection and control of ships not registered in British India.

224F. (1) A surveyor authorised in this behalf by the Governor-General in Council may, at any reasonable time, go on board any ship not registered in British India being a ship of 150 tons gross tonnage or upwards carrying cargo or passengers and belonging to a country to which the International Convention respecting Load Lines, 1930, applies, when such ship is within any port in British India, for the purpose of demanding the production of any load-line certificate for the time being in force in respect of the ship.

(2) If a valid international load-line certificate is produced to the surveyor on any such demand, the surveyor's powers of inspecting the ship with respect to load line shall be limited to seeing—

(i) that the ship is not loaded beyond the limits allowed by the certificate;

(ii) that the position of the load lines on the ship corresponds with the position specified in the certificate;

(iii) that no material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines;

(iv) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(3) If it is found on any such inspection that the ship is loaded beyond the limits allowed by the certificate, the ship may be detained and the provisions of section 238 shall apply.

(4) If it is found on any such inspection that the load lines on the ship are not in the position specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.

(5) If it is found on any such inspection that the ship has been so materially altered in respect of the matters referred to in clauses (iii) and (iv) of sub-section (2) that the ship is manifestly unfit to proceed to sea without danger to human life, the ship shall be deemed to be unsafe for the purpose of section 232 (in the case of a British ship) or for the purpose of section 238 (in the case of a foreign ship):

Provided that where the ship has been detained under either of the last-mentioned sections, the Governor-General in Council shall order the ship to be released as soon as he is satisfied that the ship is fit to proceed to sea without danger to human life.

(6) If a valid international load-line certificate is not produced to the surveyor on such demand as aforesaid, the surveyor shall have the same power of inspecting the ship, for the purpose of seeing that the provisions of this Part relating to load lines have been complied with, as if the ship were a British ship registered in British India.

(7) For the purposes of this section a ship shall be deemed to be loaded beyond the limits allowed by the certificate if she is so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the International Convention respecting Load Lines, 1930, to be loaded.

Certificate of ship not registered in British India to be produced to Customs.

224G. The master of every ship not registered in British India being a ship of 150 tons gross tonnage or upwards carrying cargo or passengers, and belonging to a country to which the International Convention respecting Load Lines, 1930, applies, shall produce to the officer of Customs from whom a port clearance for the ship from any port in British India is demanded—

(i) in a case where port clearance is demanded in respect of a voyage to a port or place outside British India, a valid international load-line certificate;

(ii) in a case where port clearance is demanded in respect of any other voyage, either a valid international load-line certificate or a valid British India load-line certificate;

and the port clearance shall not be granted and the ship may be detained until the certificate required by this section is so produced.

Marking of deck line and load lines of ships not registered in British India.

224H. The provisions of section 220 shall apply to ships not registered in British India proceeding or attempting to proceed to sea from ports in British India as they apply to British ships registered in British India subject to the following modifications, namely:—

(i) the said section shall not apply to a ship not registered in British India if a valid international load-line certificate is produced in respect of the ship; and

(ii) subject to the provisions of clause (i) of this section a foreign ship which does not comply with the conditions of assignment to the extent required in her case by the said section 220 shall be deemed to be unsafe for the purpose of section 238.

Submersion of load line of ships not registered in British India.

224I. The provisions of section 221 shall apply to ships not registered in British India, while they are within any port in British India as they apply to ships registered in British India subject to the following modifications, namely:—

(i) no ship of 150 tons gross tonnage or upwards carrying cargo or passengers and belonging to a country to which the International Convention respecting Load Lines, 1930, applies, shall be detained and no proceedings shall be taken against the owner or master thereof by virtue of the said section except after an inspection by a surveyor as provided by section 224F; and

(ii) the expression 'the appropriate load line' in relation to any ship not registered in British India shall mean—

(a) in the case of a ship in respect of which there is produced on such an inspection as aforesaid a valid international load-line certificate, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under

the International Convention respecting Load Lines, 1930, to be loaded;

(b) in any other case, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being entitled under the load-line rules to be loaded, or, if no load line on the ship corresponds as aforesaid, the lowest load line thereon.

Inspection of ships not registered in British India.

224J. The provisions of section 223 shall apply, in the same manner as they apply to British ships registered in British India, to all other ships while they are within any port in British India, except ships to which the provisions of section 224F apply.

Load-line certificates of ships not registered in British India.

224K. (1) The provisions of this Part relating to the issue, effect, duration, renewal and cancellation of British India load-line certificates shall apply to ships not registered in British India as they apply to British ships registered in British India subject to the following modifications, namely:—

(i) any such certificate may be issued in respect of any such ship as in respect of a ship registered in British India, provided that any such certificate issued in respect of a ship of 150 tons gross tonnage and upwards carrying cargo or passengers and belonging to a country to which the International Convention respecting Load Lines, 1930, applies, shall only be valid so long as the ship is not plying on voyages from or to any place in British India to or from any place outside British India and shall be endorsed with a statement to that effect and shall be cancelled by the Governor-General in Council if he has reason to believe that the ship is so plying; and

(ii) the survey required for the purpose of seeing whether the certificate should remain in force shall take place when required by the Governor-General in Council.

(2) If the Governor-General in Council is satisfied—

(i) either—

(a) that by the law in force in any part of His Majesty's dominions outside British India provision has been made for the fixing, marking and certifying of load lines on British ships (or any class or description of British ships) registered in that part of His Majesty's dominions, or

(b) that provision has been made as aforesaid by the law in force in any foreign country with respect to ships (or any class or description of ships) of that country and has also been so made (or has been agreed to be so made) for recognising British India load-line certificates as having the same effect in ports of that country as certificates issued under the said provision, and

(ii) that the said provision for the fixing, marking and certifying of load lines is based on the same principles as the corresponding provisions of this Part relating to load lines and is equally effective,

he may, by notification in the Gazette of India, direct that load-line certificates issued in pursuance of the said provision in respect of British ships (or that class or description of British ships) registered in that part of His Majesty's dominions, or in respect of ships (or that class or description of ships) of that foreign country, as the case may be, shall have the same effect for the purpose of this Part as British India load-line certificates:

Provided that such direction shall not apply to ships of 150 tons gross tonnage and upwards carrying cargo or passengers and belonging to countries to which the International Convention respecting Load Lines, 1930, applies, if such ships are engaged in plying on voyages from or to any place in British India to or from any place outside British India.

Certificates to be produced to Customs by ships not registered in British India.

224L. The master of every ship not registered in British India other than ships to which the provisions of section 224G apply shall produce to the officer of Customs from whom a port clearance for the ship from any port in British India is demanded, either a British India load-line certificate or a certificate having effect under this Act as such a certificate, being a certificate for the time being in force in respect of the ship, and the port clearance shall not be granted and the ship may be detained until the certificate required by this section is so produced.

*Loading of Timber.*

Power of Governor General in Council to make rules as to timber cargo.

224M. (1) The Governor-General in Council shall, subject to the condition of previous publication, make rules (hereafter in this section referred to as the 'timber cargo rules') as to the conditions on which timber may be carried as cargo in any uncovered space on the deck of any ship.

(2) The timber cargo rules may prescribe a special load line to be used only when the ship is carrying timber as cargo on deck and the conditions on which such special load line may be assigned, and may further prescribe either generally or with reference to particular voyages and seasons the manner and position in which such timber is to be stowed and the provisions which are to be made for the safety of the crew.

(3) If any provision of the timber cargo rules is contravened in the case of any British ship

registered in British India, the master of the ship shall be liable to a fine which may extend to five thousand rupees:

Provided that in any proceedings against a master in respect of a contravention of the timber cargo rules it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(4) Any surveyor authorised in this behalf by the Governor-General in Council may, at any reasonable time, inspect any ship carrying timber as cargo in any uncovered space on her deck for the purpose of seeing whether the timber cargo rules have been complied with.

(5) The foregoing provisions of this section and the timber cargo rules shall apply to ships not registered in British India, while they are within any port in British India as they apply to British ships registered in British India."

Substitution of new sections for sections 227 and 228, Act XXI of 1923.

**26.** For the heading to sections 227 and 228 of the said Act and for those sections the following heading and sections shall be substituted, namely:--

" *Subdivision Load Lines.*

227. (1) Where—

Submersion of subdivision load lines in case of British passenger steamer registered in British India.

(a) a British passenger steamer registered in British India has been marked with subdivision load lines, that is to say, load lines indicating the depth to which the steamer may be loaded having regard to the extent to which she is subdivided and to the space for the time being allotted to passengers, and

(b) the appropriate subdivision load line, that is to say, the subdivision load line appropriate to the space for the time being allotted to passengers on the steamer, is lower than the load line indicating the maximum depth to which the steamer is for the time being entitled under the provisions of this Part to be loaded,

the steamer shall not be so loaded as to submerge the appropriate subdivision load line on each side of the steamer when the steamer has no list.

(2) If any such steamer is loaded in contravention of this section, the owner or master of the steamer shall for each offence be liable to a fine which may extend to one thousand rupees and to such additional fine, not exceeding the amount hereinafter specified, as the Court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

(3) The said additional fine shall not exceed one thousand rupees for every inch or fraction of an inch by which the appropriate subdivision load line on each side of the ship was submerged, or would have been submerged if the ship had had no list.

(4) Without prejudice to any proceedings under the foregoing provisions of this section, any such steamer which is loaded in contravention of this section may be detained until she ceases to be so loaded.

Application of section 227 to steamers not registered in British India.

228. The provisions of section 227 shall apply to passenger steamers not registered in British India while they are within any port in British India as they apply to British passenger steamers registered in British India."

Amendment of section 234, Act XXI of 1923.

**27.** In section 234 of the said Act, after the word "unsafe," the following words shall be inserted, namely:—

" or if a ship is detained in pursuance of any provision of this Part which provides for the detention of a ship until a certain event occurs,".

Amendment of section 238, Act XXI of 1923.

**28.** In section 238 of the said Act, after the word "unsafe" the following words shall be inserted, namely:—

" by reason of the defective condition of her hull, equipments or machinery, or ".

Repeal of section 241 Act XXI of 1923.

**29.** Section 241 of the said Act shall be omitted.

Insertion of new sections 242A and 242B in Act XXI of 1923.

**30.** After section 242 of the said Act the following sections shall be inserted, namely:—

Wireless direction-finding apparatus.

" 242A. (1) On and after such date as the Governor-General in Council may, by notification in the Gazette of India, appoint in this behalf every British ship registered in British India being a passenger steamer of 5,000 tons gross tonnage or upwards shall be provided with a wireless direction-finding apparatus of the prescribed description.

(2) If this section is not complied with in the case of any such ship, the master or owner of the ship shall be liable in respect of each offence to a fine which may extend to two hundred rupees.

Wireless telegraph log.

242B. (1) Every ship compulsorily equipped under the provisions of section 242 with a wireless telegraph installation shall maintain in the wireless telegraph room a wireless telegraph log in which shall be entered such particulars relating to the operation of the wireless telegraph installation and as to the maintenance of the wireless telegraph service as may be prescribed.

(2) The provisions of section 122 shall apply to the wireless telegraph log kept under this section as if it were an official log-book."

Amendment of section 243, Act XXI of 1923.

**31.** To sub-section (2) of section 243 of the said Act the following proviso shall be added, namely:—

"Provided that if a valid Safety Convention Certificate is produced in respect of any ship not registered in British India, the inspection shall be limited to seeing that the ship is provided with a wireless telegraph installation and that the number of certified operators and watchers corresponds substantially with the particulars stated in the certificate."

Amendment of section 245, Act XXI of 1923.

**32.** In clause (a) of sub-section (2) of section 245 of the said Act,—

(a) after the word "installation" the words "and wireless direction-finding apparatus" shall be inserted;

(b) after the word "maintained" the words "the form of the wireless log and the particulars to be entered therein" shall be inserted; and

(c) the proviso shall be omitted.

Insertion of new sections 245A—245M in Part V, Act XXI of 1923.

**33.** In Part V of the said Act, after section 245 the following headings and sections shall be inserted, namely:—

"*Signalling lamps.*

Signalling lamps.

245A. (1) Every British ship registered in British India being a ship of over 150 tons gross tonnage shall, when proceeding to sea from any port or place in British India to any port of place outside British India, be provided with a signalling lamp of the type approved by the Governor-General in Council.

(2) If any ship proceeds or attempts to proceed to sea in contravention of this section, the owner or master thereof shall for each offence be liable to a fine which may extend to two hundred rupees.

*Safety Certificates, Radio-Telegraphy Certificates and Exemption Certificates.*

Operation of provisions relating to Safety Certificates and Exemption Certificates.

245B. The provisions of this Part relating to Safety Certificates, Qualified Safety Certificates, Safety Radio-telegraphy Certificates and Exemption Certificates, that is to say, the provisions of section 245C to section 245M inclusive, shall have effect only from such date as the Governor-General in Council may, by notification in the Gazette of India, appoint in this behalf.

Safety Certificates and Qualified Safety Certificates.

245C. (1) Upon receipt of a declaration of survey granted under Part III in respect of a steampship for which a certificate of survey is required by that Part, the Governor-General in Council shall, if satisfied that the steamship complies with all the provisions as to construction, machinery and equipments (including life-saving appliances, and wireless telegraphy installation) applicable to such steamship under this Act, cause a certificate, to be called a Safety Certificate or a Qualified Certificate as the case may be, to be prepared and delivered through such officer as the Governor-General in Council may appoint in this behalf to the owner or master of the steamship.

(2) The Safety Certificate shall be in the prescribed form and shall state that the steamship complies with the requirements of the International Convention for the Safety of Life at Sea, signed in London on the 31st day of May, 1929.

(3) The Qualified Safety Certificate shall be in the prescribed form and shall state in what respects the steamship complies with the requirements of the International Convention for the Safety of life at Sea signed in London on the 31st day of May, 1929.

Safety Radio-telegraphy Certificate.

245D. (1) The owner or master of any British ship registered in British India which is not a passenger steamer but which is required by the provisions of section 242 to be provided with a wireless telegraphy installation and which is intended to ply on voyages from or to any place in British India to or from any place outside British India shall, if the Governor-General in Council is satisfied that the ship complies with all the provisions as to wireless telegraphy applicable to such ship under this Part, receive a certificate to be called a Safety Radio-telegraphy Certificate, to be prepared and delivered through such officer as the Governor-General in Council may appoint in this behalf.

(2) The Safety Radio-telegraphy Certificate shall be in the prescribed form and shall state that the ship complies in respect of wireless telegraphy installation with the requirements of the International Convention for the Safety of Life at Sea signed in London on the 31st day of May, 1929.

Exemption Certificate.

245E. The owner or master of any British ship registered in British India which is intended to ply on voyages from or to any place in British India to or from any place outside British India and in regard to which the Governor-General in Council has made a declaration under section 126 or an order of exemption under the proviso to sub-section (1) of section 242 shall on application to the officer appointed in this behalf by the Governor-General in Council receive from such officer a certificate in the prescribed form to be called an Exemption Certificate.

Duration of Certificates.

245F. (1) A Safety Certificate, Qualified Safety Certificate, Safety Radio-telegrahy Certificate or Exemption Certificate issued under the provisions of section 245C, 245D or 245E, shall not remain in force for more than one year from the date of its issue, nor after notice is given by the authority issuing it to the owner or master of the ship in respect of which it has been issued, that that authority has cancelled the certificate.

(2) If the ship in respect of which any such certificate has been issued is absent from British India at the date when the certificate expires, the authority issuing the certificate, or any person authorised by that authority for the purpose, may, if it appears proper and reasonable so to do, grant such extension of the certificate as will allow the ship to return to British India, but no such extension shall have effect for more than five months from the said date.

(3) If the ship in respect of which a Safety Certificate issued under section 245C is in force has on board in the course of a particular voyage a total number of persons less than the number stated in the certificate to be the number for which the life-saving appliances on the ship provide, the owner or master of the ship may obtain from the authority issuing the certificate, or any person authorised by that authority for the purpose, a memorandum to be attached to the certificate stating the total number of persons carried on the ship on that voyage, and the modifications which may be made for the purpose of that voyage in the particulars with respect to life-saving appliances stated in the certificate.

Issue of Certificates to ships of foreign countries.

245G. (1) The Governor-General in Council may, at the request of the Government of a country to which the International Convention for the Safety of Life at Sea, 1929, applies, cause a Safety Certificate or Safety Radio-telegraphy Certificate to be issued in respect of a ship of that country if he is satisfied in like manner as in the case of a British ship registered in British India that such a certificate can properly be issued; and, where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

(2) With a view to determining the validity in British India of certificates purporting to have been issued in accordance with the International Convention for the Safety of Life at Sea, 1929, in respect of ships not registered in Britsih India, the Governor-General in Council shall make such rules as appear to him to be necessary, and for the purpose of the provisions of this Act the expression 'a valid Safety Convention Certificate' means a certificate or certificates complying with such of those rules as are applicable in the circumstances.

(3) Where a valid Safety Convention Certificate is produced in respect of a passenger steamer not registered in British India and there is attached to the certificate a memorandum which—

(a) has been issued by or under the authority of the Government of the country to which the steamer belongs, and

(b) modifies for the purpose of any particular voyage, in view of the number of persons actually carried on that voyage, the particulars stated in the certificates with respect to life-saving appliances,

the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

Prohibition on proceeding to sea without certificates.

245H. (1) No British ship registered in British India being a passenger steamer shall proceed on a voyage from any place in British India to any place outside British India unless there is in force in respect of the ship either—

(a) a Safety Certificate issued under section 245C, or

(b) a Qualified Safety Certificate issued under section 245C and an Exemption Certificate issued under section 245E,

being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged.

(2) No sea-going British ship registered in British India being a ship of 1,600 tons gross tonnage or upwards other than a passenger steamer, shall proceed on a voyage from any place in British India to any place outside British India unless there is in force in respect of the ship—

(a) such certificate or certificates as would be required in her case by the provisions of sub-section (1) if she were a passenger steamer, or

(b) a Safety Radio-telegraphy Certificate issued under section 245D, or

(c) an Exemption Certificate, issued under section 245E, relating to the wireless telegraphy equipment,

being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged.

(3) If any ship to which this section applies proceeds, or attempts to proceed, to sea in contravention of this section—

(a) in the case of a ship being a passenger steamer, the master or owner of the steamer shall, without prejudice to any other remedy or penalty under this Act, be liable for each offence to a fine which may extend to one hundred rupees for every passenger carried on board the steamship; and

(b) in the case of a ship not being a passenger steamer, the master or owner of the ship shall for each offence be liable to a fine which may extend to one thousand rupees.

(4) The master of every ship to which this section applies shall produce to the officer of Customs from whom a port clearance for the ship is demanded the certificate or certificates required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and the port clearance shall not be granted and the ship may be detained until the said certificate or certificates are so produced.

(5) Where an Exemption Certificate issued under section 245E in respect of any ship to which this section applies specifies any conditions on which the certificate is issued and those conditions are contravened, the master or owner of the ship shall for each offence be

liable to a fine which may extend to one thousand rupees.

Recognition of certificates issued outside British India.

245I. (*1*) Where there is produced in respect of any steamship not registered in British India a vaild Safety Convention Certificate, such certificate shall be accepted as having the same force as the corresponding certificate issued in respect of a ship registered in British India by the Governor-General in Council.

(*2*) The master of every ship not registered in British India being a passenger steamer or being a ship of 1,600 tons gross tonnage or upwards belonging to a country to which the International Convention for the Safety of Life at Sea, 1929, applies, shall produce a valid Safety Convention Certificate to the officer of Customs from whom a clearance for the ship is demanded in respect of a voyage from a place in British India to a place outside British India, and a clearance shall not be granted and the ship may be detained until such a certificate is so produced.

(*3*) Where a valid Safety Convention Certificate is produced in respect of a passenger steamer not registered in British India the steamer shall not be deemed to be unsafe for the purposes of section 238 of this Act by reason of the defective condition of her hull, equipments or machinery unless it appears that the steamer cannot proceed to sea without danger to the passengers or crew owing to the fact that the actual condition of the ship does not correspond substantially with the particulars stated in the certificates.

Power of Governor General in Council to make rules as to certificates.

245J. (*1*) The Governor-General in Council may, subject to the condition of previous publication, make rules to carry out the purposes of the provisions of this Part relating to Safety Certificates, Qualified Safety Certificates, Safety Radio-telegraphy Certificates and Exemption Certificates.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe the form of the certificates referred to in sub-sections (*2*) and (*3*) of section 245C, sub-section (*2*) of section 245D, and section 245E, the charging of fees for the grant of such certificates, the amount of such fees, and the manner in which they shall be recoverable.

(*3*) The Governor-General in Council may delegate to any person the functions assigned to the Governor-General in Council by sections 245C, 245D and 245G of granting a Safety Certificate, a Qualified Safety Certificate or a Safety Radio-telegraphy Certificate in respect of any ships or classes of ships.

Application of sections 139, 139A, 140 and 142 of Act to certificates.

245K. The provisions of sections 139, 139A, 140 and 142 of this Act shall apply to and in relation to every certificate issued by the Governor-General in Council under sections 245C, 245D and 245E in the same manner as they apply to and in relation to a certificate of survey.

Issue by foreign Government of certificate to ships registered in British India.

245L. The Governor-General in Council may request the Government of a country to which the International Convention for the Safety of Life at Sea, 1929, applies, to issue a Safety Certificate or a Safety Radio-telegraphy Certificate in respect of a British ship registered in British India, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the Governor-General in Council.

Detention of foreign ships in cases not referred to in section 238.

245M. Where any foreign ship is detained under this Part in any case to which the provisions of section 238 do not apply, or where any proceedings are taken under this Part against the master or owner of any such ship, notice shall forthwith be served on the Consular officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and such notice shall specify the grounds on which the ship has been detained or the proceedings have been taken."

Insertion of new Part VA in Act XXI of 1923.

**34.** After Part V of the said Act the following Part and sections shall be inserted, namely:—

"PART VA.

NAVIGATION.

Method of giving helm orders.

245N. (*1*) No person on any British ship registered in British India shall when the ship is going ahead give a helm or steering order containing the word 'starboard' or 'right' or any equivalent of 'starboard' or 'right', unless he intends that the head of the ship shall move to the right, or give a helm or steering order containing the word 'port' or 'left' or any equivalent of 'port' or 'left', unless he intends that the head of the ship shall move to the left.

(*2*) Any person who contravenes the provisions of this section shall for each offence be liable to a fine which may extend to five hundred rupees.

Duty to report dangers to navigation.

245O. (*1*) The master of any British ship registered in British India on meeting with dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation shall send information accordingly by all means of communication at his disposal and in accordance with such rules as the Governor-General in Council may make in this behalf to ships in the vicinity and to such authorities on shore as may be prescribed by these rules.

(*2*) If the master of a ship fails to comply with the provisions of this section, he shall be liable for each offence to a fine which may extend to five hundred rupees.

(*3*) For the purposes of this section the expression 'tropical storm' means a hurricane, typhoon, cyclone or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in the vicinity.

245P. (*1*) The master of a British ship registered in British India on receiving a signal of distress by wireless telegraphy from any other ship shall proceed with all speed to the assistance of the persons in distress, unless he is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary to do so, or unless he receives information that his assistance is no longer required.

Obligation to render assistance on receiving signal of distress.

(*2*) If the master is unable or in the special circumstances of the case considers it unreasonable or unnecessary to proceed to the assistance of the persons in distress, he shall forthwith send a message by wireless telegraphy informing the master of the ship in distress accordingly, and shall enter in the official log-book his reasons for not going to the assistance of those persons.

(*3*) Any master failing to comply with the provisions of sub-section (*1*) shall be liable to imprisonment for a term which may extend to six months, or to a fine which may extend to one thousand rupees, or to both.

(*4*) Any master failing to comply with the provisions of sub-section (*2*) shall be liable to a fine which may extend to one thousand rupees.

245Q. (*1*) The Governor-General in Council may, subject to the condition of previous publication, make rules prescribing—

Power of Governor-General in Council to make rules as to signals.

(*a*) the manner of communicating information regarding dangers to navigation, and the authorities on shore to whom such information is to be communicated,

(*b*) the signals which shall be signals of distress and of urgency, respectively,

(*c*) the circumstances in which and the purposes for which any such signal is to be used, and the circumstances in which it is to be revoked, and

(*d*) the speed at which any message sent by wireless telegraphy in connection with such signal is to be transmitted.

(*2*) In making any rule under this section the Governor-General in Council may direct that the breach of it shall be punishable with fine which may extend to five hundred rupees."

L. GRAHAM,
Secy. to the Govt. of India.

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## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor-General on the 21st September, 1933, and is hereby promulgated for general information:—

ACT NO. XXVI OF 1933.

*An Act to amend the Dangerous Drugs Act, 1930, for certain purposes.*

WHEREAS it is expedient to amend the Dangerous Drugs Act, 1930, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Act may be called the Dangerous Drugs (Amendment) Act, 1933.

Short title.

In sub-clause (*ii*) of clause (*g*) of section 2 of the Dangerous Drugs Act, 1930 (hereinafter referred to as the said Act), after the words "Geneva Convention" the words "or in pursuance of any international convention supplementing the Geneva Convention" shall be inserted.

Amendment of section 2, Act II of 1930.

**3.** Section 4 of the said Act shall be numbered as sub-section (*1*) of section 4, and the following sub-section shall be added, namely:—

Amendment of section 4, Act II of 1930.

"(*2*) The Local Government may make rules restricting and regulating the manufacture and possession of prepared opium from opium which is lawfully possessed under clause (*b*) of sub-section (*1*)."

L. GRAHAM,
Secy. to the Govt. of India.

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## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor-General on the 23rd September, 1933, and is hereby promulgated for general information:—

ACT NO. XXVII OF 1933.

*An Act to constitute a Medical Council in India.*

WHEREAS it is expedient to constitute a Medical Council in India in order to establish a uniform minimum standard of higher qualifications in medicine for all provinces; It is hereby enacted as follows:—

**1.** (*1*) This Act may be called the Indian Medical Council Act, 1933.

Short title, extent and commencement.

(*2*) it extends to the whole of British India.

(*3*) It shall come into force on such date as the Governor-General in Council may, by notification in the Gazette of India, appoint.

**2.** In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(*a*) "British Indian University" means any university in British India established by an Act of the Indian Legislature or of a local Legislature and having a medical faculty;

(b) "the Council" means the Medical Council of India constituted under this Act;

(c) "medical institution" means any institution, within or without British India, which grants degrees, diplomas or licenses in medicine;

(d) "medicine" means modern scientific medicine and includes surgery and obstetrics, but does not include veterinary medicine and surgery;

(e) "Provincial Medical Council" means a medical council constituted under an Act of a local Legislature to regulate the registration of medical practitioners;

(f) "Provincial Medical Register" means a register maintained under an Act of a local Legislature to regulate the registration of medical practitioners;

(g) "recognised medical qualifications" means any of the medical qualifications included in the First and Second Schedules; and

(h) "Regulation" means a Regulation made under section 18.

Constitution and composition of the Council.

**3.** (1) The Governor-General in Council shall cause to be constituted a Council consisting of the following members, namely:—

(a) one member from each Governor's province, to be nominated by the Local Government of the province;

(b) one member from each British Indian University, to be elected by the members of the Senate of the University (or, in the case of the University of Lucknow, the Court, and in the case of the University of Rangoon, the Council) from amongst the members of the medical faculty of the university;

(c) one member from each province where a Provincial Medical Register is maintained, to be elected from amongst themselves by persons enrolled on the Register who possess recognised medical qualifications or medical qualifications granted by a British Indian University; and

(d) three members to be nominated by the Governor-General in Council.

(2) The President of the Council shall be elected by the members of the Council from amongst themselves:

Provided that for four years from the first constitution of the Council the President shall be a person nominated by the Governor-General in Council who shall hold office during the pleasure of the Governor-General in Council and, where he is not already a member, shall be a member of the Council in addition to the members prescribed in sub-section (1).

(3) No act done by the Council shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Council.

Mode of election.

**4.** (1) An election under clause (b) or clause (c) of sub-section (1) of section 3 shall be conducted by the Local Government, in such manner as it may think fit, subject to any instructions the Governor-General in Council may issue in this behalf.

(2) Where any dispute arises regarding any election to the Council, it shall be referred to the Local Government whose decision shall be final.

Restrictions of nominations and elections.

**5.** (1) No person shall be eligible for nomination or election under clause (a) or (b) of sub-section (1) of section 3 unless he possesses a recognised medical qualification or a medical qualification granted by a British Indian University.

(2) No person shall be eligible for nomination under clause (a) of sub-section (1) of section 3 unless he resides in the province concerned, and, where a Provincial Medical Register is maintained in that province, unless he is enrolled on that register.

(3) No person shall be eligible for election under clause (b) of sub-section (1) of section 3 unless he has had at least four years' experience as a Professor, Assistant Professor, Lecturer or Reader in Medical Colleges or Schools.

(4) No person may at the same time serve as a member in more than one capacity.

Incorporation of the Council.

**6.** The Council so constituted shall be a body corporate by the name of the Medical Council of India, having perpetual succession and a common seal, with power to acquire and hold property both moveable and immoveable, and to contract, and shall by the said name sue and be sued.

Term of office.

**7.** (1) An elected President shall hold office for a term not exceeding five years and not extending beyond the expiry of the term for which he has been nominated or elected to be a member of the Council.

(2) A member, other than a nominated President, shall hold office for the term of five years from the date of his nomination or election or until his successor shall have been duly nominated or elected, whichever is longer.

(3) Where the said term of five years is about to expire in respect of any member, his successor may be nominated or elected at any time within three months before the said term expires, but shall not assume office until the said term has expired.

Meetings of the Council.

**8.** (1) The Council shall hold its first meeting at such time and place as may be appointed by the Governor-General in Council; and thereafter the Council shall meet at least once in each year at such time and place as may be appointed by the Council.

(2) Until otherwise provided by Regulations, ten members of the Council shall form a quorum, and all the acts of the Council shall be decided by a majority of the members present and voting.

Officers, Committees and servants of the Council.

**9.** (1) The Council shall—

(a) elect from amongst its members a Vice-President;

(b) constitute from amongst its members an Executive Committee, and such other Committees for general or special purposes as the Council deems necessary to carry out the purposes of this Act;

(c) appoint a Secretary, who may also, if deemed expedient, act as Treasurer;

(d) appoint or nominate such other officers and servants as the Council deems necessary to carry out the purposes of this Act;

(e) require and take from the Secretary, or from any other officer or servant, such security for the due performance of his duties as the Council deems necessary; and

(f) with the previous sanction of the Governor-General in Council, fix the remuneration and allowances to be paid to the President, Vice-Preident, members, officers and servants of the Council.

(2) Notwithstanding anything contained in clause (c) of sub-section (1), for the four years from the commencement of this Act, the Secretary of the Council shall be a person appointed by the Governor-General in Council, who shall hold office during the pleasure of the Governor-General in Council.

The Executive Committee.

**10.** (1) The Executive Committee shall consist of seven members, of whom five shall be elected by the Council from amongst its members.

(2) The President and Vice-President of the Council shall be members *ex-officio* of the Executive Committee, and shall be President and Vice-President, respectively, of that Committee.

(3) In addition to the powers and duties conferred and imposed upon it by this Act, the Executive Committee shall exercise and discharge such powers and duties as the Council may confer or impose upon it by any Regulations which may be made in this behalf.

Recognition of medical qualifications granted by medical institutions in British India.

**11.** (1) The medical qualifications granted by medical institutions in British India which are included in the First Schedule shall be recognised medical qualifications for the purposes of this Act.

(2) Any medical institution in British India which grants a medical qualification not included in the First Schedule may apply to the Governor-General in Council to have such qualification recognised, and the Governor-General in Council, after consulting the Council, may, by notification in the Gazette of India, amend the First Schedule so as to include such qualification therein.

(3) Such notification may also direct that an entry shall be made in the last column of the First Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.

(4) The Council shall, as soon as may be and without application being made, make all necessary arrangements for the inspection of the medical courses and examinations of the Universities of Patna, Rangoon and Andhra, and shall submit their recommendations to the Governor-General in Council regarding the inclusion in the First Schedule of the medical qualifications granted by these Universities.

Non-Indian qualifications in Second Schedule to be recognised.

**12.** The medical qualifications granted by medical institutions outside British India which are included in the Second Schedule shall be recognised medical qualifications for the purposes of this Act, and shall be sufficient qualification for enrolment on any Provincial Medical Register.

Transitory arrangements for modifying the Second Schedule.

**13.** (1) At any time during the period of four years after the commencement of this Act, the Council may enter into negotiations with the authority in any State or country outside British India which is entrusted by the law of such State or country with the maintenance of a register of medical practitioners, for the settling of a scheme of reciprocity for the recognition of medical qualifications, and the course of such negotiations shall be reported to the Governor-General in Council, along with the decisions of the Council to recognse or to refuse to recognise the medical qualifications proposed by such authority for recognition in British India.

(2) In so far as the decisions of the Council to recognise medical qualifications are accepted by the Governor-General in Council, they shall be embodied in a resolution and published in the Gazette of India, and such resolution shall specify or indicate with sufficient accuracy all medical qualifications finally approved for recognition in British India:

Provided that where any such resolution specifies or indicates a medical qualification which is not included in the Second Schedule, the Governor-General in Council may, by notification in the Gazette of India, amend the Second Schedule so as to include such qaulification therein, and such amendment may further direct that such qualification shall be deemed to be a recognised medical qualification for the purposes of this Act only when granted after a specified date.

(3) Within one month before the expiry of the period of four years from the commencement of this Act, the Governor-General in Council shall frame a schedule to include all medical qualifications which have been specified or indicated by him in resolutions made under sub-section (2), and shall publish the said schedule in the Gazette of India, and such schedule shall be substituted for the Second Schedule with effect from the expiry of the said period of four years, and shall then have force as if it had been enacted in this Act:

Provided that the Governor-General in Council shall include in the said schedule all medical qualifications included in the Second Schedule which were granted before the expiry of the said period of four years.

Permanent arrangements modifying the Second Schedule.

**14.** (*1*) At any time after the the expiry of the period of four years after the commencement of this Act, the Council may complete or may enter into negotiations with the authority in any State or country outside British India which by the law of such State or country is entrusted with the maintenance of a register of medical practitioners, for the settling of a scheme of reciprocity for the recognition of medical qualifications, and in pursuance of any such scheme the Governor-General in Council may, by notification in the Gazette of India, amend the Second Schedule so as to include therein any medical qualification which the Council has decided should be recognised.

(*2*) Such notification may also direct that an entry shall be made in the last column of the Second Schedule against such medical qualification declaring that it shall be a recognised medical quailfication only when granted after a specified date.

(*3*) The Governor-General in Council, after consultation with the Council, may, by notification in the Gazette of India, amend the Second Schedule by directing that an entry be made therein in respect of any qualification, declaring that it shall be a recognised medical qualification only when granted before a specified date.

(*4*) Where the Council has refused to recognise any medical qualification which has been proposed for recognition by any such authority, that authority may apply to the Governor-General in Council, and the Governor-General in Council, after considering such application and after consulting the Council, may, by notification in the Gazette of India, amend the Second Schedule so as to include such qualification therein, and the provisions of sub-section (*2*) shall apply to such notification.

Power to require information as to courses of study and examinations.

**15.** Every medical institution in British India, which grants a recognised medical qualification shall furnish such information as the Council may, from time to time, require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred, and generally as to the requisites for obtaining such qualification.

Inspection of examinations.

**16.** (*1*) The Executive Committee shall appoint such number of medical inspectors as it may deem requisite to attend at any or all of the examinations held by medical institutions in British India for the purpose of granting recognised medical qualifications.

(*2*) Inspectors appointed under this section shall not interfere with the conduct of any examination, but they shall report to the Executive Committee on the sufficiency of every examination which they attend and on any other matters in regard to which the Executive Committee may require them to report.

(*3*) The Executive Committee shall forward a copy of any such report to the medical institution concerned, and shall also forward a copy with the remarks of such institution thereon, to the Governor-General in Council.

Withdrawal of recognition.

**17.** (*1*) When, upon report by the Executive Committee, it appears to the Council that the courses of study and examination to be gone through in any medical institution in British India in order to obtain a recognised medical qualification or that the standards of proficiency required from candidates at any examination held for the purpose of granting such qualification are not such as to secure to persons holding such qualification the knowledge and skill requisite for the efficient practice of medicine, the Council shall make a representation to that effect to the Governor-General in Council.

(*2*) After considering such representation, the Governor-General in Council may send it to the Local Government of the province in which the medical institution is situated, and the Local Government shall forward it, along with such remorks as it may choose to make, to the medical institution, with an intimation of the period within which the medical institution may submit its explanation to the Local Government.

(*3*) On the receipt of the explanation or, where no explanation is submitted within the period fixed, then on the expiry of that period, the Local Government shall make its recommendations to the Governor-General in Council.

(*4*) The Governor-General in Council, after making such further inquiry, if any, as he may think fit may by notification in the Gazette of India, direct that an entry shall be made in the First Schedule against the said medical qualification declaring that it shall be a recognised medical qualification only when granted before a specified date.

Power to make Regulations.

**18.** (*1*) The Council may, with the previous sanction of the Governor-General in Council, make Regulations generally to carry out the purposes of this Act, and, without prejudice to the generality of this power, such Regulations may provide for—

(*a*) the management of the property of the Council;

(*b*) the summoning and holding of meetings of the Council, the times and places where such meetings are to be held, the conduct of business thereat and the number of members necessary to constitute a quorum;

(*c*) the resignation of members of the Council and the filling of casual vacancies;

(*d*) the powers and duties of the President and Vice-President;

(e) the mode of appointment of the Executive Committee and other Committees, the summoning and holding of meetings, and the conduct of business of such Committees;

(f) the tenure of office, and the powers and duties of the Secretary and other officers and servants of the Council;

(g) the appointment, powers, duties and procedure of medical inspectors; and

(h) any matters for which under this Act provision may be made by Regulations.

(2) Until the first Council is constituted under this Act, any Regulations which may be made under sub-section (1) may be made by the Governor-General in Council; and any Regulation so made may be altered or rescinded by the Council in exercise of its powers under sub-section (1).

Information to be furnished by Council, and Publication thereof.

**19.** (1) The Council shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Governor-General in Council as he may require.

(2) The Governor-General in Council may publish, in such manner as he may think fit, any report, copy, abstract or other information furnished to him under this section or under section 16.

Commissions of Inquiry.

**20.** (1) Whenever it is made to appear to the Governor-General in Council that the Council is not complying with any of the provisions of this Act, the Governor-General in Council may refer the particulars of the complaint to a Commission of Inquiry consisting of three persons, two of whom shall be appointed by the Governor-General in Council, one being a Judge of a High Court established by Letters Patent of the Crown, and one by the Council; and such Commission shall proceed to inquire in a summary manner and to report to the Governor-General in Council as to the truth of the matters charged in the complaint, and in case of any charge of default or of improper action being found by the Commission to have been established, the Commission shall recommend the remedies, if any, which are in its opinion necessary.

(2) The Governor-General in Council may require the Council to adopt the remedies so recommended within such time as, having regard to the report of the Commission, he may think fit; and if the Council fails to comply with any such requirement, the Governor-General in Council may amend the Regulations of the Council, or make such provision or order or take such other steps as may seem necessary to give effect to the recommendations of the Commission.

(3) A Commission of Inquiry shall have power to administer oaths, to enforce the attendance of witnesses and the production of documents, and shall have all such other necessary powers for the purposes of any inquiry conducted by it as are exercised by a Civil Court under the Code of Civil Procedure, 1908. V of 19

## THE FIRST SCHEDULE.

(*See* section 11.)

*Recognised medical qualifications granted by medical institutions in British India.*

| Medical Institution. | Recognised medical qualification. | Abbreviation for registration. |
|---|---|---|
| University of Allahabad. | Bachelor of Medicine and Bachelor of Surgery. | M.B., B.S., All. |
| University of Bombay. | Licentiate in Medicine and Surgery. | L.M.S., Bom. |
| | Bachelor of Medicine and Bachelor of Surgery. | M.B., B.S., Bom. |
| | Doctor of Medicine .. | M. D., Bom. |
| | Master of Surgery .. | M. S., Bom. |
| University of Calcutta. | Licentiate in Medicine and Surgery. | L.S.M., Cal. |
| | Bachelor of Medicine | M.B., Cal. |
| | Doctor of Medicine .. | M.D., Cal. |
| | Master of Surgery .. | M.S., Cal. |
| | Master of Obstetrics | M.O., Cal. |
| University of Lucknow. | Bachelor of Medicine and Bachelor of Surgery. | M.B., B.S., Lucknow. |
| University of Madras. | Licentiate in Medicine and Surgery. | L.M.S., Mad. |
| | Bachelor of Medicine and Master of Surgery. | M.B., C.M., Mad |
| | Bachelor of Medicine and Bachelor of Surgery. | M.B., B.S., Mad. |
| | Doctor of Medicine .. | M.D., Mad. |
| Punjab University. | Licentiate in Medicine and Surgery. | L.M.S., Pun. |
| | Bachelor of Medicine | M.B., Pun. |
| | Doctor of Medicine .. | M.D., Pun. |
| | Master of Surgery .. | M.S., Pun. |

## THE SECOND SCHEDULE.

(*See* section 12.)

*Recognised medical qualifications granted by medical institutions outside British India.*

A. Registrable qualifications admitting primarily to the Medical Register granted by licensing bodies in the United Kingdom, as shown in Table (F) set out in the Medical Register for 1931 printed and published under the direction of the General Council of Medical Education and Registration of the United Kingdom in pursuance of the Medical Acts, 1858 and 1886.

B. Registrable qualifications granted by licensing bodies in British possessions, as shown in Table (I) set out in the said Medical Register, other than registrable qualifications granted by licensing bodies in India.

C. Registrable qualifications granted by licensing bodies in Foreign Countries, as shown in Table (J) set out in the said Medical Register.

L. GRAHAM,
Secy. to the Govt. of India.

## Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

GOVERNMENT OF INDIA.

### LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 18th September, 1933:—

L. A. BILL NO. 46 OF 1933.

*A Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships.*

WHEREAS a Revised Draft Convention concerning the protection against accidents of workers employed in loading or unloading ships was adopted at Geneva on the twenty-seventh day of April, nineteen hundred and thirty-two;

AND WHEREAS it is expedient to give effect in British India to the said Convention;

It is hereby enacted as follows:—

Short title, extent, commencement and application.

**1.** (*1*) This Act may be called the Indian Dock Labourers Act, 1934.

(*2*) It extends to the whole of British India.

(*3*) It shall come into force on such date as the Governor-General in Council may, by notification in the Gazette of India, appoint.

(*4*) It shall not apply to any ship of war of any nationality.

Definitions.

**2.** In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the processes" includes all work which is required for or is incidental to the loading or unloading of cargo or fuel into or from a ship and is done on board the ship or alongside it; and

(*b*) "worker" means any person employed in the processes.

Inspectors.

**3.** (*1*) The Local Government may, by notification in the local official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

(*2*) All principal Officers of the Mercantile Marine Department shall be Inspectors under this Act, *ex-officio*, within the limits of their charges.

(*3*) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code and shall be officially subordinate to such authority as the Local Government may direct. 45 of 1860.

Powers of Inspectors.

**4.** Subject to any rules made in this behalf under section 6, an Inspector may, within the local limits for which he is appointed,—

(*a*) enter, with such assistants (if any) as he thinks fit, any premises or ship where the processes are carried on;

(*b*) make such examination of the premises or ship and the machinery and gear, fixed or loose, used for the processes, and of any prescribed registers and notices, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act; and

(*c*) exercise any other powers which may be conferred upon him by the regulations made under section 5.

Power to Governor-General in Council to make regulations.

**5.** (*1*) The Governor-General in Council may make regulations—

(*a*) providing for the safety of working places on shore and of any regular approaches over a dock, wharf, quay or similar premises which workers have to use for going to or from a working place at which the processes are carried on, and for the lighting and fencing of such places and approaches;

(*b*) prescribing the nature of the means of access which shall be provided for the use of workers proceeding to or from a ship which is lying alongside a quay, hulk or other vessel;

(*c*) prescribing the measures to be taken to ensure the safe transport of workers proceeding to or from a ship by water and the conditions to be complied with by the vessels used for the purpose;

(*d*) prescribing the nature of the means of access to be provided for the use of the workers from the deck of a ship to a hold in which the processes are carried on;

(*e*) prescribing the measures to be taken to protect hatchways accessible to the workers and other openings in a deck which might be dangerous to them;

(*f*) providing for the efficient lighting of the means of access to ships on which the processes are carried on and of all places on board at which the workers are employed or to which they may be required to proceed;

(*g*) providing for the safety of the workers engaged in removing or replacing hatch coverings and beams used for hatch coverings;

(*h*) prescribing the measures to be taken to ensure that no hoisting machine, or gear, whether fixed or loose, used in connection therewith, is employed in the processes on shore or on boardship unless it is in a safe working condition;

(*i*) providing for the fencing of machinery, live electric conductors and steam pipes;

(j) regulating the provision of safety appliances on derricks, cranes and winches;

(k) prescribing the precautions to be observed in regard to exhaust and live steam;

(l) requiring the employment of competent and reliable persons to operate lifting or transporting machinery used in the processes, or to give signals to a driver of such machinery, or to attend to cargo falls on winch ends or winch drums, and providing for the employment of a signaller where this is necessary for the safety of the workers;

(m) prescribing the measures to be taken in order to prevent dangerous methods of working in the stacking, unstacking, stowing and unstowing of cargo, or handling in connection therewith;

(n) prescribing the precautions to be taken to facilitate the escape of the workers when employed in a hold or between decks in dealing with coal or other bulk cargo;

(o) prescribing the precautions to be observed in the use of stages and trucks;

(p) prescribing the precautions to be observed when the workers have to work where dangerous or noxious goods are, or have been, stowed or have to deal with or work in proximity to such goods;

(q) providing for the rendering of first-aid to injured workers and removal to the nearest place of treatment;

(r) prescribing the provision to be made for the rescue of immersed workers from drowning;

(s) prescribing the abstracts of this Act and of the regulations required by section 8;

(t) providing for the submission of notices of accidents and dangerous occurrences and prescribing the forms of such notices, the persons and authorities to whom they are to be furnished, the particulars to be contained in them and the time within which they are to be submitted;

(u) specifying the persons and authorities who shall be responsible for compliance with regulations made under this Act;

(v) defining the circumstances in which and conditions subject to which exemptions from any of the regulations made under this section may be given, specifying the authorities who may grant such exemptions and regulating their procedure;

(w) defining the additional powers which Inspectors may exercise under clause (c) of section 4; and

(x) providing generally for the safety of workers.

(2) Regulations made under this section may make special provision to need the special requirements of any particular port or ports.

(3) In making a regulation under this section, the Governor-General in Council may direct that a breach of it shall be punishable with fine which may extend to five hundred rupees, and when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

Power to Local Government to make rules.

**6.** Subject to the control of the Governor-General in Council, the Local Government may make rules providing for—

(a) the inspection of premises or ships where the processes are carried on; and

(b) the manner in which Inspectors are to exercise the powers conferred on them by this Act.

General provisions relating to regulations and rules.

**7.** (1) The power to make regulations and rules conferred by sections 5 and 6 is subject to the condition of the regulations and rules being made after previous publication.

(2) Regulations and rules shall be published in the Gazette of India and the local official Gazette, respectively.

Abstracts of Act and regulations to be conspicuously posted.

**8.** There shall be affixed in some conspicuous place near the main entrance of every dock, wharf, quay or similar premises where the processes are carried on, in English and in the language of the majority of the workers, the abstracts of this Act and of the regulations made thereunder which may be prescribed by the regulations.

**9.** Any person who—

Penalties.

(a) wilfully obstructs an Inspector in the exercise of any power under section 4, or fails to produce on demand by an Inspector any registers or other documents kept in pursuance of the regulations made under this Act, or any gear, fixed or loose, used for the processes, or conceals or prevents or attempts to prevent any person from appearing before, or being examined by, an Inspector, or

(b) unless duly authorised, or in case of necessity, removes any fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing required to be provided by or under the regulations made under this Act, or

(c) having in case of necessity removed any such fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing, omits to restore it at the end of the period for which its removal was necessary,

shall be punishable with fine which may extend to five hundred rupees.

Provisions relating to jurisdiction.

**10.** (*1*) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act or the regulations made thereunder.

(*2*) No prosecution for any offence under this Act or the regulations made thereunder shall be instituted except by or with the previous sanction of an Inspector.

(*3*) No Court shall take cognizance of any offence under this Act or the regulations made thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Power to exempt.

**11.** The Governor-General in Council may, by notification in the Gazette of India, exempt from all or any of the provisions of this Act and of the regulations made thereunder, on such conditions, if any, as he thinks fit,—

(*a*) any port or place, dock, wharf, quay or similar premises at which the processes are only occasionally carried on or the traffic is small and confined to small ships, or

(*b*) any specified ship or class of ship.

Protection to persons acting under this Act.

**12.** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

## STATEMENT OF OBJECTS AND REASONS.

The International Labour Conference at its twelfth session held in 1929, adopted a Draft Convention concerning the protection against accidents of workers employed in loading or unloading ships. At its sixteenth session held in 1932 the Conference adopted a Revised Draft Convention incorporating in the original Draft Convention certain amendments proposed by Governments who had experienced difficulties of a practical nature in considering the question of ratifying the original Convention. The Revised Draft Convention is of exactly the same scope and character as the original Draft Convention adopted in 1929 and differs from it only in certain matters of technical detail.

2. After consulting the Local Governments and through them the Port Trusts and commercial bodies the Government of India came to the conclusion that the Revised Draft Convention should be ratified on behalf of India.

3. The Bill is intended to give effect in India to the Revised Draft Convention.

SIMLA:

The 9th September, 1933.

J. W. BHORE.

MD. RAFI,
Secy. to the Govt. of India.

1076 CS—623—13-10-33—SGPP Lahore.

Registered No.L. 864

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

### Published by Authority

LAHORE, FRIDAY, OCTOBER 20, 1933.

## PART IV.

**Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

[First publication.]

**[As introduced in the Legislative Assembly.]**

A

BILL

TO

*Remove doubts about the application of the doctrine of representation, in case of succession to Stridhan under the Dayabhag*

WHEREAS it is expedient to remove all doubts about the rights of grandsons and great grandsons to inherit by representation of their deceased father or grandfather ; It is hereby enacted as follows :—

Short title, extent and application.

1. (*1*) This Act may be called the Removal of doubts about the application of the doctrine of representation, in case of succession to Stridhan under the Dayabhag Act, 193 .

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall apply to all persons governed by the Dayabhag.

Succession to Stridhan.

2. When the son is heir to Stridhan, the son of a predeceased son and the great grandson whose father and grandfather are dead, shall be deemed to have the right to inherit according to the doctrine of representation along with the sons, *per stirpes*, under the Dayabhag School.

## STATEMENT OF OBJECTS AND REASONS.

The right of representation is allowed in the Dayabhag as far as the great grandson and the term " issue " comprehends not only as many sons as a man may chance to leave behind him, but son's son also and the sons of the latter or great grandsons. The rule of distribution, *per stirpes*, is an exceptional rule and can apply under the authority of special texts as in the case of male descendants within four degrees or in case of distribution of Stridhan. But there is an uncertainty about which the texts are not clear, whether in case of Stridhan, the grandson whose father is dead and the great grandson, whose father and grandfather are dead, also inherit along with sons under the Dayabhag according to the doctrine of representation, although the texts seem to favour this view. It is necessary to set this question at rest by removing all doubts about the rights of a grandson by a predeceased son or that of a great grandson by a predeceased grandson whose father also is dead to inherit the Stridhan along with sons, *per stirpes*, where the son is heir to the Stridhan under the Dayabhag School.

3, FEROZSHAH ROAD, AMAR NATH DUTT.

NEW DELHI :

*The 15th February, 1933.*

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[First publication. ]

**[As introduced in the Legislative Assembly.]**

A

BILL

TO

*fix the amount of maintenance to which Hindu widows are entitled.*

WHEREAS it is expedient to fix the amount of maintenance to which Hindu widows are entitled, and to make that maintenance a charge on their husbands' family property ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Hindu Widows' Right of Maintenance Act, 193 .

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall come into force on the day of 19 .

Definition of "widow."

2. In this Act, unless there is anything repugnant in the subject or context, " widow " includes the widow of a person who, at the time of his death, professed the Hindu, Jaina, or Sikh religion.

Share of widow in case of joint family under the Mitakshara law.

3. Where a person is governed by the Mitakshara school of Hindu law and is, at the time of his death, a member of a joint Hindu family, his widow shall—

(*a*) if sonless, be entitled to get as maintenance the entire income which her husband's share in the joint family estate would, as on partition, yield, and

(*b*) if her husband has left son or sons, be entitled to get the income of such share of the estate as a son would get as on partition.

Share of widow when husband not a member of joint family under the Mitakshara law.

4. Where a person is governed by the Mitakshara school of Hindu law and is not, at the time of his death, a member of a joint Hindu family, his widow shall, if sonless, get her husband's property as a widow's estate. If, however, a posthumous son is born to her or if she adopt a son to her husband she shall be entitled to get, as maintenance, the amount of the income of her husband's property which a son would get as on partition.

Share of widow under the Dayabhaga law.

5. Where a person is governed by the Dayabhaga school of Hindu law, the widow shall, where her husband has left son or sons, be entitled to get as maintenance, the income of so much of her husband's property as a son would get as on partition.

Maintenance of widow to be a charge on husband's estate.

6. The maintenance, to which a widow is entitled under this Act, shall be a charge on the estate left by her husband, or the estate which belonged at the time of his death to the undivided family of which he was a member when he died, and shall not be affected by any testament which a husband make during his lifetime to the detriment of the widow's rights as secured to her by this Act.

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## STATEMENT OF OBJECTS AND REASONS.

The Hindu law of inheritance is very unjust to women. It bears with the greatest harshness on the Hindu widows. An attempt to remove the injustice done to them by the law as at present administered in India having failed when the Legislative Assembly threw out in February last the Hindu Widows Right of Inheritance Bill, it has become necessary

to enact a measure which would do full justice to Hindu widows so far as their right to maintenance is concerned.

Generally speaking, a Hindu widow is entitled only to maintenance. The amount of maintenance is not fixed or regulated by any rules having the force of law, but depends mostly upon the pleasure of her husband's relatives. The condition of many Hindu widows is, therefore, deplorable. In order to secure to them a reasonable and proper maintenance, it is necessary to lay down certain broad principles which, without attempting to alter the Hindu law of inheritance, may, to some extent, mitigate the sufferings to which they are subjected owing to the absence of provisions in the law of inheritance giving women their proper share in the property of their parents and their husbands.

This Bill fixes the amount of maintenance to which Hindu widows are entitled.

HARBILAS SARDA.

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[First publication.]

**[As introduced in the Council of State.]**

A

BILL

TO

*Amend the Legal Practitioners Act, 1879.*

WHEREAS it is expedient to amend the Legal Practitioners Act, 1879, hereinafter referred to as "the said Act," for the purposes hereinafter appearing;

It is hereby enacted as follows, namely :— XVIII 1879.

**1.** (*1*) This Act may be called the Legal Practitioners Amendment Act, 193 , and shall apply to the whole of British India.

(*2*) It shall come into force at once.

**2.** At the end of the section 13 of the said Act, add the following explanation :—

> "The words 'reasonable cause' in clause (*f*) refer to and must be intended always to have referred only to acts done in professional capacity."

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## STATEMENT OF OBJECTS AND REASONS.

The Bill is necessitated by the tendency of the High Courts to assume jurisdiction over the public and the private activities of a practitioner unconnected with his professional capacity.

The Legal Practitioners Act must have intended only to take notice of professional malpractices. The superintendence and control by the High Court over non-professional activities of practitioners is being justly resented.

The jurisdiction of the High Court in this matter is founded always on the general words used in section 13, clause (*f*), which according to the established canons of interpretation must refer to a course 'ejusdem generis.' The Lordships of the Privy Council in interpreting a similar clause in order 47, rule 1 of the Civil Procedure Code, have held it to mean a reason sufficient on the grounds at least analogous to those specified immediately previously.

This Bill is meant to remove the doubt regarding the interpretation of clause 13 (*f*) and to restrict its scope definitely to professional misconduct.

The Bill is given retrospective effect to remove the hardship done to practitioners by the wrong interpretation of clause 13 (*f*).

NAGPUR:
*The 8th February, 1933.*

V. V. KALIKAR.

Registered No.L. 864

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

Published by Authority

LAHORE, FRIDAY, OCTOBER 27, 1933.

## PART IV.

### Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

[Second publication ]

**[As introduced in the Legislative Assembly.]**

A

BILL

TO

*Remove doubls about the application of the doctrine of representation, in case of succession to Stridhan under the Dayabhag.*

WHEREAS it is expedient to remove all doubts about the rights of grandsons and great grandsons to inherit by representation of their deceased father or grandfather ; It is hereby enacted as follows :—

Short title, extent and application.

1. (1) This Act may be called the Removal of doubts about the application of the doctrine of representation, in case of succession to Stridhan under the Dayabhag Act, 193 .

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall apply to all persons governed by the Dayabhag.

Succession to Stridhan.

2. When the son is heir to Stridhan, the son of a predeceased son and the great grandson whose father and grandfather are dead, shall be deemed to have the right to inherit according to the doctrine of representation along with the sons, *per stirpes*, under the Dayabhag School.

## STATEMENT OF OBJECTS AND REASONS.

The right of representation is allowed in the Dayabhag as far as the great grandson and the term " issue " comprehends not only as many sons as a man may chance to leave behind him, but son's son also and the sons of the latter or great grandsons. The rule of distribution, *per stirpes*, is an exceptional rule and can apply under the authority of special texts as in the case of male descendants within four degrees or in case of distribution of Stridhan. But there is an uncertainty about which the texts are not clear whether in case of Stridhan, the grandson whose father is dead and the great grandson, whose father and grandfather are dead, also inherit along with sons under the Dayabhag according to the doctrine of representation, although the texts seem to favour this view. It is necessary to set this question at rest by removing all doubts about the rights of a grandson by a predeceased son or that of a great grandson by a predeceased grandson whose father also is dead to inherit the Stridhan along with sons, *per stirpes*, where the son is heir to the Stridhan under the Dayabhag School.

8, FEROZSHAH ROAD, AMAR NATH DUTT.

NEW DELHI :

*The 15th February, 1933.*

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[Second publication.]

**[As introduced in the Legislative Assembly.]**

A

BILL

TO

*Fix the amount of maintenance to which Hindu widows are entitled.*

WHEREAS it is expedient to fix the amount of maintenance to which Hindu widows are entitled, and to make that maintenance a charge on their husbands' family property ; It is hereby enacted as follows :—

Short title, extent and commencement.

**1.** (*1*) This Act may be called the Hindu Widows' Right of Maintenance Act, 193 .

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall come into force on the day of 19 .

Definition of "widow."

**2.** In this Act, unless there is anything repugnant in the subject or context, " widow " includes the widow of a person who, at the time of his death, professed the Hindu, Jaina, or Sikh religion.

Share of widow in case of joint family under the Mitakshara law.

**3.** Where a person is governed by the Mitakshara school of Hindu law and is, at the time of his death, a member of a joint Hindu family, his widow shall—

(*a*) if sonless, be entitled to get as maintenance the entire income which her husband's share in the joint family estate would, as on partition, yield, and

(*b*) if her husband has left son or sons, be entitled to get the income of such share of the estate as a son would get as on partition.

Share of widow when husband not a member of joint family under the Mitakshara law.

**4.** Where a person is governed by the Mitakshara school of Hindu law and is not, at the time of his death, a member of a joint Hindu family, his widow shall, if sonless, get her husband's property as a widow's estate. If, however, a posthumous son is born to her or if she adopt a son to her husband she shall be entitled to get, as maintenance, the amount of the income of her husband's property which a son would get as on partition.

Share of widow under the Dayabhaga law.

**5.** Where a person is governed by the Dayabhaga school of Hindu law, the widow shall, where her husband has left son or sons, be entitled to get as maintenance, the income of so much of her husband's property as a son would get as on partition.

Maintenance of widow to be a charge on husband's estate.

**6.** The maintenance, to which a widow is entitled under this Act, shall be a charge on the estate left by her husband, or the estate which belonged at the time of his death to the undivided family of which he was a member when he died, and shall not be affected by any testament which a husband make during his lifetime to the detriment of the widow's rights as secured to her by this Act.

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## STATEMENT OF OBJECTS AND REASONS.

The Hindu law of inheritance is very unjust to women. It bears with the greatest harshness on the Hindu widows. An attempt to remove the injustice done to them by the law as at present administered in India having failed when the Legislative Assembly threw out in February last the Hindu Widows Right of Inheritance Bill, it has become necessary

to enact a measure which would do full justice to Hindu widows so far as their right to maintenance is concerned.

Generally speaking, a Hindu widow is entitled only to maintenance. The amount of maintenance is not fixed or regulated by any rules having the force of law, but depends mostly upon the pleasure of her husband's relatives. The condition of many Hindu widows is, therefore, deplorable. In order to secure to them a reasonable and proper maintenance, it is necessary to lay down certain broad principles which, without attempting to alter the Hindu law of inheritance, may, to some extent, mitigate the sufferings to which they are subjected owing to the absence of provisions in the law of inheritance giving women their proper share in the property of their parents and their husbands.

This Bill fixes the amount of maintenance to which Hindu widows are entitled.

HARBILAS SARDA.

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[Second publication.]

[As introduced in the Council of State.

A

BILL

TO

*Amend the Legal Practitioners Act, 1879.*

WHEREAS it is expedient to amend the Legal Practitioners Act, 1879, hereinafter referred to as " the said Act," for the purposes hereinafter appearing ;

It is hereby enacted as follows, namely :— XVIII 1879.

**1.** (*1*) This Act may be called the Legal Practitioners Amendment Act, 193 , and shall apply to the whole of British India.

(*2*) It shall come into force at once.

**2.** At the end of the section 13 of the said Act, add the following explanation :—

" The words ' reasonable cause' in clause (*f*) refer to and must be intended always to have referred only to acts done in professional capacity. "

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STATEMENT OF OBJECTS AND REASONS.

The Bill is necessitated by the tendency of the High Courts to assume jurisdiction over the public and the private activities of a practitioner unconnected with his professional capacity.

The Legal Practitioners Act must have intended only to take notice of professional malpractices. The superintendence and control by the High Court over non-professional activities of practitioners is being justly resented.

The jurisdiction of the High Co urt in this matter is founded always on the general words used in section 13, clause (*f*), which according to the established canons of interpretation must refer to a course ' ejusdem generis.' The Lordships of the Privy Council in interpreting a similar clause in order 47, rule 1 of the Civil Procedure Code, have held it to mean a reason sufficient on the grounds at least analogous to those specified immediately previously.

This Bill is meant to remove the doubt regarding the interpretation of clause 13 (*f*) and to restrict its scope definitely to professional misconduct.

The Bill is given retrospective effect to remove the hardship done to practitioners by the wrong interpretation of clause 13 (*f*).

NAGPUR : }
*F ebruary, 1933.* }

V. V. KALIKAR.

1142 C.S.—613—27-10-33—SGPP Lahore.

Registered No. L. 864.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, NOVEMBER 3, 1933.

## PART IV.

**Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

[Third publication.]

**[As introduced in the Legislative Assembly.]**

A

BILL

TO

*Remove doubts about the application of the doctrine of representation. in case of succession to Stridhan under the Dayabhag.*

WHEREAS it is expedient to remove all doubts about the rights of grandsons and great grandsons to inherit by representation of their deceased father or grandfather ; It is hereby enacted as follows :—

Short title, extent and application.

1. (*1*) This Act may be called the Removal of doubts about the application of the doctrine of representation, in case of succession to Stridhan under the Dayabhag Act, 193 .

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall apply to all persons governed by the Dayabhag.

Succession to Stridhan.

2. When the son is heir to Stridhan, the son of a predeceased son and the great grandson whose father and grandfather are dead, shall be deemed to have the right to inherit according to the doctrine of representation along with the sons, *per stirpes*, under the Dayabhag School.

## STATEMENT OF OBJECTS AND REASONS.

The right of representation is allowed in the Dayabhag as far as the great grandson and the term "issue" comprehends not only as many sons as a man may chance to leave behind him, but son's son also and the sons of the latter or great grandsons. The rule of distribution, *per stirpes*, is an exceptional rule and can apply under the authority of special texts as in the case of male descendants within four degrees or in case of distribution of Stridhan. But there is an uncertainty about which the texts are not clear whether in case of Stridhan, the grandson whose father is dead and the great grandson, whose father and grandfather are dead, also inherit along with sons under the Dayabhag according to the doctrine of representation, although the texts seem to favour this view. It is necessary to set this question at rest by removing all doubts about the rights of a grandson by a predeceased son or that of a great grandson by a predeceased grandson whose father also is dead to inherit the Stridhan along with sons, *per stirpes*, where the son is heir to the Stridhan under the Dayabhag School.

3, FEROZSHAH ROAD,

NEW DELHI :

*The 15th February, 1933.*

AMAR NATH DUTT.

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[ Third publication.]

**[As introduced in the Legislative Assembly.]**

A

BILL

TO

*Fix the amount of maintenance to which Hindu widows are entitled.*

WHEREAS it is expedient to fix the amount of maintenance to which Hindu widows are entitled, and to make that maintenance a charge on their husbands' family property ; It is hereby enacted as follows :—

Short title, extent and commencement.

**1.** (*1*) This Act may be called the Hindu Widows' Right of Maintenance Act, 193 .

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall come into force on the day of 19 .

Definition of "widow."

**2.** In this Act, unless there is anything repugnant in the subject or context, "widow" includes the widow of a person who, at the time of his death, professed the Hindu, Jaina, or Sikh religion.

Share of widow in case of joint family under the Mitakshara law.

**3.** Where a person is governed by the Mitakshara school of Hindu law and is, at the time of his death, a member of a joint Hindu family, his widow shall—

(*a*) if sonless, be entitled to get as maintenance the entire income which her husband's share in the joint family estate would, as on partition, yield, and

(*b*) if her husband has left son or sons, be entitled to get the income of such share of the estate as a son would get as on partition.

Share of widow when husband not a member of joint family under the Mitakshara law.

**4.** Where a person is governed by the Mitakshara school of Hindu law and is not, at the time of his death, a member of a joint Hindu family, his widow shall, if sonless, get her husband's property as a widow's estate. If, however, a posthumous son is born to her or if she adopt a son to her husband she shall be entitled to get, as maintenance, the amount of the income of her husband's property which a son would get as on partition.

Share of widow under the Dayabhaga law.

**5.** Where a person is governed by the Dayabhaga school of Hindu law, the widow shall, where her husband has left son or sons, be entitled to get as maintenance, the income of so much of her husband's property as a son would get as on partition.

Maintenance of widow to be a charge on husband's estate.

**6.** The maintenance, to which a widow is entitled under this Act, shall be a charge on the estate left by her husband, or the estate which belonged at the time of his death to the undivided family of which he was a member when he died, and shall not be affected by any testament which a husband make during his lifetime to the detriment of the widow's rights as secured to her by this Act.

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## STATEMENT OF OBJECTS AND REASONS.

The Hindu law of inheritance is very unjust to women. It bears with the greatest harshness on the Hindu widows. An attempt to remove the injustice done to them by the law as at present administered in India having failed when the Legislative Assembly threw out in February last the Hindu Widows Right of Inheritance Bill, it has become necessary

to enact a measure which would do full justice to Hindu widows so far as their right to maintenance is concerned.

Generally speaking, a Hindu widow is entitled only to maintenance. The amount of maintenance is not fixed or regulated by any rules having the force of law, but depends mostly upon the pleasure of her husband's relatives. The condition of many Hindu widows is, therefore, deplorable. In order to secure to them a reasonable and proper maintenance, it is necessary to lay down certain broad principles which, without attempting to alter the Hindu law of inheritance, may, to some extent, mitigate the sufferings to which they are subjected owing to the absence of provisions in the law of inheritance giving women their proper share in the property of their parents and their husbands.

This Bill fixes the amount of maintenance to which Hindu widows are entitled.

HARBILAS SARDA.

---

[Third publication.]

[As introduced in the Council of State.]

A

BILL

TO

*Amend the Legal Practitioners Act, 1879.*

WHEREAS it is expedient to amend the Legal Practitioners Act, 1879, hereinafter referred to as "the said Act," for the purposes hereinafter appearing;

It is hereby enacted as follows, namely :— XVIII 1879.

**1.** (*1*) This Act may be called the Legal Practitioners Amendment Act, 193 , and shall apply to the whole of British India.

(*2*) It shall come into force at once.

**2.** At the end of the section 13 of the said Act, add the following explanation :—

"The words 'reasonable cause' in clause (*f*) refer to and must be intended always to have referred only to acts done in professional capacity."

---

## STATEMENT OF OBJECTS AND REASONS.

The Bill is necessitated by the tendency of the High Courts to assume jurisdiction over the public and the private activities of a practitioner unconnected with his professional capacity.

The Legal Practitioners Act must have intended only to take notice of professional malpractices. The superintendence and control by the High Court over non-professional activities of practitioners is being justly resented.

The jurisdiction of the High Court in this matter is founded always on the general words used in section 13, clause (*f*), which according to the established canons of interpretation must refer to a course 'ejusdem generis.' The Lordships of the Privy Council in interpreting a similar clause in order 47, rule 1 of the Civil Procedure Code, have held it to mean a reason sufficient on the grounds at least analogous to those specified immediately previously.

This Bill is meant to remove the doubt regarding the interpretation of clause 13 (*f*) and to restrict its scope definitely to professional misconduct.

The Bill is given retrospective effect to remove the hardship done to practitioners by the wrong interpretation of clause 13 (*f*).

NAGPUR:
*The 8th February, 1933.*

V. V. KALIKAR.

1181 CS—816 -3-11-33 -SGPP Lahore.

Registered No. L. 864.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, DECEMBER 8, 1933.

## PART IV.

**Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

[First publication.]

**[As introduced in the Legislative Assembly.]**

A

BILL

TO

*Remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples.*

WHEREAS it is increasingly felt by the Hindu community that the disabilities imposed by custom and usage on certain classes of Hindus in respect of entry into their temples should be removed;

AND WHEREAS doubts have been entertained whether trustees and others in charge of management of such temples have power to make any innovation contrary to the established custom or usage of the temples;

AND WHEREAS it is expedient that the law as administered by the Courts should no longer prevent a trustee from allowing to any class of Hindus, who might have been excluded from a temple under his management, entry into such temple, if the Hindu community in the locality is generally minded to allow such entry;

It is hereby enacted as follows :—

Short title and extent.

**1.** (*1*) This Act may be called the Hindu Temple Entry Disabilities Removal Act, 1933.

(*2*) it extends to the whole of British India.

Definitions.

**2.** In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Board" shall mean the Board of Commissioners constituted under section 10 of the Madras Hindu Religious Endowments Act, 1926;



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(2) "Excluded caste" shall mean any caste or class of the Hindu community excluded by reason of established usage or custom from entering a temple;

(3) "Temple" shall mean a place, by whatever designation known, used as a right as a place of public worship by the Hindu community generally except the excluded castes;

(4) "Trustee" shall mean a person by whatever designation known in whom the administration of a temple is vested; and

(5) "Voters" shall mean—

(a) when used in connection with a temple having an annual income of Rs. 500 and above, the Hindu voters in the electoral roll of the Corporation of a City or in the electoral roll of a Municipality, or a District Board or a Taluk Board or any other similar local authority, constituted under the Local Boards Act within the area of which it is situated, and

(b) when used in connection with a temple having an annual income of less than Rs. 500, the Hindu voters in the electoral roll of the Municipal division in the City or the Municipal ward in the Municipal area in the mofussil or the Panchayat area within which it is situated.

Entry of excluded castes into temples to be decided by reference to the general body of voters.

3. (1) After the commencement of this Act, a written requisition signed by not less than fifty voters may be made to the trustee of a temple asking him that the question of throwing open the temple to any excluded caste may be referred for decision to the general body of the voters.

(2) Upon such requisition, the trustee shall forthwith refer the question to the voters for decision in the manner prescribed.

(3) The decision of a majority of the voters who have recorded their opinions shall be binding on the trustees of the temple and on all worshippers therein.

(4) Where the decision is in favour of allowing the entry of any excluded caste into the temple, the trustees shall publish an order in the manner prescribed that the excluded caste shall have a right of entry into such temple.

Entry of excluded castes into temple by notice by trustee.

4. (1) Notwithstanding any law, custom or usage to the contrary, it shall be open to a trustee of any Hindu temple himself to publish in the prescribed manner a notice that unless an objection is lodged with him within a period of one month from the date of publication of the notice, he will make an order allowing an excluded caste, mentioned by him in the notice, to enter into such temple.

(2) Within one month after the publication of such notice by a trustee, a written objection signed by not less than fifty voters may be lodged with the trustee, objecting to such entry. Upon the lodging of such objection, the question whether the excluded caste concerned shall or shall not be allowed entry into the temple shall be referred to the voters under sub-section (2) of section 3 as if a requisition had been made under sub-section (1) of that section.

(3) The decision of the majority of the voters recording their opinions shall be binding on the trustee and the worshippers of the temple.

(4) Where an objection has been lodged under sub-section (2) and the decision of the majority of the voters recording their opinions is in favour of allowing the entry of the excluded caste into the temple, or where no objection is raised, after the expiry of the period mentioned in the notice under sub-section (1), the trustee shall publish an order in the manner prescribed that the excluded caste shall have right of entry into the temple.

Entry of excluded castes into temples to be lawful after publication of the order.

5. On the publication in the prescribed manner of an order by the trustee under sub-section (4) of section 3 or sub-section (4) of section 4, it shall be lawful for any member of the excluded caste referred to in such order to enter into the temple for the purpose of worship therein, subject to such general regulations for the maintenance of order and cleanliness and the due observance of the religious ceremonies in the temple as may be made in that behalf by the trustees.

Fresh reference to voters not to be made before the expiry of one year.

6. Where a reference has been made to the voters under sub-section (2) of section 3 or sub-section (2) of section 4 and the majority of voters who have voted have decided against the throwing open of a temple to any excluded caste, no written requisition under section 3 shall be made nor a notice under section 4 be published for a period of one year from the date of which such reference was made.

Amendment of section 40, Mad. Act II of 1927.

7. In section 40 of the Madras Hindu Religious Endowment Act, 1926, the words "subject to the provisions of the Hindu Temple Entry Disabilities Removal Act, 1933" shall be inserted at the commencement. Mad. Act II of 1927.

8. The trustees of a temple may, with the previous approval of the Board, make regulations—

Power to make regulations.

(1) for the maintenance of order and cleanliness in the temple; and

(2) for the due observance of the customary religious ceremonial in the temple.

9. (1) The Local Government shall have power to make rules for the purpose of carrying into effect the provisions of this Act.

Power to make rules.

(2) Without prejudice to the generality of the foregoing power, the Local Government shall have power to make rules prescribing—

(a) the form of the requisition by the voters for a referendum, and the manner of its presentation to the trustee;

(b) the manner of publication of the notices and orders of the trustee;

(c) the method of obtaining the opinions of the voters; and

(d) the decision of disputes regarding the ascertainment of such opinions.

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STATEMENT OF OBJECTS AND REASONS.

The custom of segregation of certain classes of the Hindu community as untouchable and the social disabilities they suffer from have been the subject of universal condemnation. There has been continuous agitation on the part of leaders of these classes as well on the part of reformers among caste-Hindus to break the custom and remove the disabilities. Recent events have brought this agitation to a head and there is at present a great wave of feeling throughout India for the removal of disabilities of these "depressed classes" as they have commonly been called. Public agitation is specially focussed on the exclusion of these classes from entry into the ordinary Hindu temples along with caste-Hindus. Public Hindu Temples being places of more or less free and equal association of all sections and denominations of caste-Hindus in the worship of their common gods, it is felt that these "depressed classes" should also be given the right of entry into these temples for purposes of worship. In spite of great advance in public opinion established usage is enforced as law to the prejudice of these classes, and no change or innovation is permitted. Not only have courts treated the entry of members of these classes into Hindu temples as a defilement thereof punishable by the Indian Penal Code, but doubts have been felt as to the authority of trustees in charge of temples peacefully to permit such entry even when they feel that public opinion among the worshippers favours such entry. In the opinion of many trustees the law of the land and section 40 of the Madras Hindu Religious Endowments Act, II of 1927 in particular, stands in the way of any change. It is, therefore, necessary to enact a law of a permissive character enabling the removal of the bar where local public opinion favours such reform.

C. S. RANGA IYER.

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GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

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The following Report of the Select Committee on the Bill to provide for the protection of the names "Khaddar" and "Khadi" used as trade descriptions of cloth spun and woven by hand in India was presented to the Legislative Assembly on the 29th November, 1933 :—

We, the undersigned, members of the Select Committee to which the Bill to provide for the protection of the names "Khaddar" and "Khadi" used as trade descriptions of cloth spun and woven by hand in India was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Papers I—IV.

2. We have revised the drafting of the Bill throughout with the object of bringing out more clearly its underlying intention, as expressed in the simplified form of preamble now prefixed to the Bill.

We have inserted the customary extent clause in clause 1 of the Bill, and have made provision by sub-clause (3) of this clause for bringing the operative part of the Bill into force in the various provinces by individual action by the Local Governments concerned. The majority of the Committee express the earnest hope that those Local Governments which have expressed no disapproval of the Bill will take early steps to apply the Act when passed to the areas under their jurisdiction, and that other Local Governments will avail themselves of its provisions should any necessity for its extension become apparent.

We have recast clauses 2 and 3 of the Bill as introduced by amalgamating them in one comprehensive clause aimed at achieving the purpose of these clauses in a more suitable form. In doing so we have revised the definition

of "Khaddar" and "Khadi" to make it clear that these terms shall henceforward be properly applicable only to cotton cloth. Some of our members wished to secure the inclusion in the term "Khaddar" of cotton materials with a woven border of silk, but it was realized that no inconvenience would in practice arise, as such pieces could still be lawfully, and equally effectively, described by some such terms as "silk-bordered Khaddar".

3. The Bill was published as follows :--

*In English.*

| Gazette. | Date. |
|---|---|
| Gazette of India .. | .. 20th February, 1932 |
| Fort St. George Gazette | .. 21st March, 1933. |
| Bombay Government Gazette | .. 27th April, 1933. |
| Calcutta Gazette .. | .. 19th March, 1933. |
| United Provinces Gazette | .. 18th March, 1933. |
| Punjab Government Gazette | .. 28th April, 1933. |
| Burma Gazette | .. 18th March, 1932. |
| Central Provinces Gazette | .. 5th March, 1933. |
| Assam Gazette .. | .. 22nd March, 1933. |
| Bihar and Orissa Gazette | .. 16th March, 1933. |
| Coorg District Gazette | .. 1st April, 1933. |
| Sind Official Gazette | .. 27th April, 1933. |
| North-West Frontier Gazette | .. 24th and 31st March and 7th April, 1933. |

*In the Vernaculars.*

| Province. | Language. | Date. |
|---|---|---|
| Madras .. | Tamil, Telugu, Hindustani, Kanarese, Malayalam | 28th March, 1933. |
| | Oriya. | 11th April, 1933 |
| Bombay .. | Maratti, Gujarathi, Kanarese | 11th May, 1933. |
| Central Provinces | Marathi, Hindi | 22nd April, 1933. |
| Coorg .. | Kanarese . | 1st May, 1933. |
| Sindh .. | Sindhi . | 20th April, 1933. |

4. We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended.

NEW DELHI :
*The 27th November, 1933.*

B. L. MITTER.
J. W. BHORE.
S. C. MITRA.
ABDUL MATIN CHAUDHURY.
L. GRAHAM.
VIDYA SAGAR PANDYA.
K. UPPI.
*J. RAMSAY SCOTT.
G. KRISHNAMACHARI.
F. NOYCE.
GAYA PRASAD SINGH.
SANT SINGH.

*Subject to a Note.

NOTE.

I AM of the opinion that the definition of Khaddar or Khadi should be a *coarse* cotton cloth. By coarse is intended a low cotton count below 14s.

J. RAMSAY SCOTT.

L. A. BILL No. 11 OF 1932.

(AS AMENDED BY THE SELECT COMMITTEE.)

**[Words printed in italics indicate the amendments suggested by the Committee.]**

*A Bill to regulate the use of the words "Khaddar" and "Khadi" when applied as a trade description of woven materials.*

WHEREAS *it is expedient to regulate the use of the words "Khaddar" and "Khadi" when applied as a trade description of woven materials;* It is hereby enacted as follows :—

Short title, *extent* and *commencement.* 1. (*1*) This Act may be called the Khaddar (Name Protection) Act, 1934.

(*2*) *It extends to the whole of British India including British Baluchistan and the Sonthal Parganas.*

(*3*) *This section shall come into force at once, and section 2 shall come into force in any province on such date as the Local Government may, by notification in the local official Gazette, appoint in this behalf.*

*Words "Khaddar" and "Khadi" to be trade description.* 2. *The words "Khaddar" and "Khadi" whether in English or in any Indian vernacular language, when applied to any woven material shall be deemed to be a trade description within the meaning of the Indian Merchandise Marks Act, 1889, indicating that such material is cloth woven on hand-looms in India from cotton yarn hand-spun in India.* IV of 1889.

MD. RAFI.

Secretary to the Government of India.

1416 CS- 622-8-12-33-SGPP Lahore.

Registered No. L. 864.

# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, DECEMBER 15, 1933.

## PART IV.

**Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

[Second pulication.]

[As introduced in the Legislative Assembly.]

A

BILL

TO

*Remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples.*

WHEREAS it is increasingly felt by the Hindu community that the disabilities imposed by custom and usage on certain classes of Hindus in respect of entry into their temples should be removed ;

AND WHEREAS doubts have been entertained whether trustees and others in charge of management of such temples have power to make any innovation contrary to the established custom or usage of the temples ;

AND WHEREAS it is expedient that the law as administered by the Courts should no longer prevent a trustee from allowing to any class of Hindus, who might have been excluded from a temple under his management entry into such temple, if the Hindu community in the locality is generally minded to allow such entry ;

It is hereby enacted as follows :—

Short title and extent.

**1.** *(1)* This Act may be called the Hindu Temple Entry Disabilities Removal Act, 1933.

*(2)* it extends to the whole of British India.

Definitions.

**2.** In this Act, unless there is anything repugnant in the subject or context,—

*(1)* " Board " shall mean the Board of Commissioners constituted under section 10 of the Madras Hindu Religious Endowments Act, 1926 ; Mad. Act II of 1927.

PGG

(2) "Excluded caste" shall mean any caste or class of the Hindu community excluded by reason of established usage or custom from entering a temple;

(3) "Temple" shall mean a place, by whatever designation known, used as a right as a place of public worship by the Hindu community generally except the excluded castes;

(4) "Trustee" shall mean a person by whatever designation known in whom the administration of a temple is vested; and

(5) "Voters" shall mean—

(a) when used in connection with a temple having an annual income of Rs. 500 and above, the Hindu voters in the electoral roll of the Corporation of a City or in the electoral roll of a Municipality, or a District Board or a Taluk Board or any other similar local authority, constituted under the Local Boards Act within the area of which it is situated, and

(b) when used in connection with a temple having an annual income of less than Rs. 500, the Hindu voters in the electoral roll of the Municipal division in the City or the Municipal ward in the Municipal area in the mofussil or the Panchayat area within which it is situated.

Entry of excluded castes into temples to be decided by reference to the general body of voters.

3. (1) After the commencement of this Act, a written requisition signed by not less than fifty voters may be made to the trustee of a temple asking him that the question of throwing open the temple to any excluded caste may be referred for decision to the general body of the voters.

(2) Upon such requisition, the trustee shall forthwith refer the question to the voters for decision in the manner prescribed.

(3) The decision of a majority of the voters who have recorded their opinions shall be binding on the trustees of the temple and on all worshippers therein.

(4) Where the decision is in favour of allowing the entry of any excluded caste into the temple, the trustees shall publish an order in the manner prescribed that the excluded caste shall have a right of entry into such temple.

Entry of excluded castes into temple by notice by trustee.

4. (1) Notwithstanding any law, custom or usage to the contrary, it shall be open to a trustee of any Hindu temple himself to publish in the prescribed manner a notice that unless an objection is lodged with him within a period of one month from the date of publication of the notice, he will make an order allowing an excluded caste, mentioned by him in the notice, to enter into such temple.

(2) Within one month after the publication of such notice by a trustee, a written objection signed by not less than fifty voters may be lodged with the trustee, objecting to such entry. Upon the lodging of such objection, the question whether the excluded caste concerned shall or shall not be allowed entry into the temple shall be referred to the voters under sub-section (2) of section 3 as if a requisition had been made under sub-section (1) of that section.

(3) The decision of the majority of the voters recording their opinions shall be binding on the trustee and the worshippers of the temple.

(4) Where an objection has been lodged under sub-section (2) and the decision of the majority of the voters recording their opinions is in favour of allowing the entry of the excluded caste into the temple, or where no objection is raised, after the expiry of the period mentioned in the notice under sub-section (1), the trustee shall publish an order in the manner prescribed that the excluded caste shall have right of entry into the temple.

Entry of excluded castes into temples to be lawful after publication of the order.

5. On the publication in the prescribed manner of an order by the trustee under sub-section (4) of section 3 or sub-section (4) of section 4, it shall be lawful for any member of the excluded caste referred to in such order to enter into the temple for the purpose of worship therein, subject to such general regulations for the maintenance of order and cleanliness and the due observance of the religious ceremonies in the temple as may be made in that behalf by the trustees.

Fresh reference to voters not to be made before the expiry of one year.

6. Where a reference has been made to the voters under sub-section (2) of section 3 or sub-section (2) of section 4 and the majority of voters who have voted have decided against the throwing open of a temple to any excluded caste, no written requisition under section 3 shall be made nor a notice under section 4 be published for a period of one year from the date of which such reference was made.

Amendment of section 40, Mad. Act II of 1927.

7. In section 40 of the Madras Hindu Religious Endowment Act, 1926, the words "subject to the provisions of the Hindu Temple Entry Disabilities Removal Act, 1933" shall be inserted at the commencement. Mad. Act II of 1927.

Power to make regulations.

8. The trustees of a temple may, with the previous approval of the Board, make regulations—

(1) for the maintenance of order and cleanliness in the temple; and

(2) for the due observance of the customary religious ceremonial in the temple.

Power to make rules.

9. (1) The Local Government shall have power to make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, the Local Government shall have power to make rules prescribing—

(a) the form of the requisition by the voters for a referendum, and the manner of its presentation to the trustee;

(b) the manner of publication of the notices and orders of the trustee;

(c) the method of obtaining the opinions of the voters; and

(d) the decision of disputes regarding the ascertainment of such opinions.

## STATEMENT OF OBJECTS AND REASONS.

The custom of segregation of certain classes of the Hindu community as untouchable and the social disabilities they suffer from have been the subject of universal condemnation. There has been continuous agitation on the part of leaders of these classes as well on the part of reformers among caste-Hindus to break the custom and remove the disabilities. Recent events have brought this agitation to a head and there is at present a great wave of feeling throughout India for the removal of disabilities of these "depressed classes" as they have commonly been called. Public agitation is specially focussed on the exclusion of these classes from entry into the ordinary Hindu temples along with caste-Hindus. Public Hindu Temples being places of more or less free and equal association of all sections and denominations of caste-Hindus in the worship of their common gods, it is felt that these "depressed classes" should also be given the right of entry into these temples for purposes of worship. In spite of great advance in public opinion established usage is enforced as law to the prejudice of these classes, and no change or innovation is permitted. Not only have courts treated the entry of members of these classes into Hindu temples as a defilement thereof punishable by the Indian Penal Code, but doubts have been felt as to the authority of trustees in charge of temples peacefully to permit such entry even when they feel that public opinion among the worshippers favours such entry. In the opinion of many trustees the law of the land and section 40 of the Madras Hindu Religious Endowments Act, II of 1927, in particular, stands in the way of any change. It is, therefore, necessary to enact a law of a permissive character enabling the removal of the bar where local public opinion favours such reform.

C. S. RANGA IYER.

## GOVERNMENT OF INDIA.

### Legislative Assembly Department.

The following Report of the Joint Committee on the Bill to constitute a Reserve Bank of India was presented to the Legislative Assembly on the 20th November 1933 :—

WE, the undersigned, members of the Joint Committee to which the Bill to constitute a Reserve Bank of India was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. We first met in Simla on the 19th September 1933, to elect our Chairman and settle some preliminary points of procedure. We then met in New Delhi and sat continuously from the 23rd October until the 16th November 1933. We examined a number of witnesses and we take this opportunity of thanking them for the readiness with which they accepted our invitation and undertook long journeys at short notice to appear before us. Their evidence has been of very great help to us and has enabled us to suggest a large number of amendments in the Bill which we hope will ensure the smooth working of the new Bank, and prove beneficial to the general interests of the country.

3. We deal below with the Bill clause by clause referring to each clause by its original number. In the Bill, however, we have renumbered the clauses and, for convenience, the original numbering has been reproduced in the margin of the Bill as now printed.

*Preamble.*—We have made a verbal alteration to indicate more definitely what we consider to be the main purposes of the Bill.

*Clause 1.*—Although we agree that no specific date can be inserted for setting up the Bank, we desire to represent strongly to the Government that the Bank should be set up with all possible speed.

We have substituted the words "This Act" for "Chapter III" in sub-clause (4) because we do not see any reason why the other Chapters of the Bill should be treated differently from Chapter III.

*Clause 2, sub-clause (b).*—We considered whether it was necessary to frame a more comprehensive definition of "bank note" but decided that this was unnecessary and that the definition might be omitted.

*Sub-clause (d).*—We are of opinion that investments of external assets should be confined to Government securities of the United Kingdom and that purchases of foreign currency should be restricted to sterling. We have modified clauses 17 and 33 accordingly. The definition of sterling standard countries therefore becomes unnecessary.

*Sub-clause (e).*—We have altered the definition of "provincial co-operative bank" because the wording of the original Bill would not have covered the special conditions as regards co operative banks in the United Provinces.

*Clause 4, sub-clause (1).*—In order to ensure that the shares of the Reserve Bank shall be widely held we recommend that the nominal value of each share should be reduced from Rs. 500 to Rs. 100.

*Sub-clause (2).*—It was represented to us that shares should not be allowed to be transferred from one register to another because this might lead to certain registers being denuded of a large number of shares, thus leaving the holders of a comparatively small number of shares to elect representatives to the Local Board and thereby to the Central Board. We have come to the conclusion that the advantages of free marketability are so great that transfers from one register to another should be freely allowed. We further consider that a contingency such as that referred to is extremely unlikely to arise and that a majority of the shares of the Reserve Bank when once allotted will be firmly held as a lock up investment by the original holders. If, contrary to our expectations, it is found that one register is accumulating a large number of shares while another is being denuded by a really substantial percentage, the Government should consider the question of bringing forward suitable amending legislation in order to rectify the position.

*Sub-clause (3).*—As regards the provisions of this sub-clause, while we are prepared to accord full equality of treatment to United Kingdom British subjects so long as they are normally resident in India on the ground that the United Kingdom Government gives the same reciprocal treatment to Indians resident there, the case is different as regards those Dominions which in various ways apply discriminatory provisions to the Indian subjects of His Majesty. We feel that every occasion should be taken to assert the principle that the citizens of such Dominions should not be allowed equal privileges in India so long as their Governments maintain any measure of discrimination against Indians, and we have taken the opportunity of this particular Bill to give effect to this principle by recommending changes in sub-clauses (3) (b) and (3) (c).

*Sub-clause (3) (c).*—As regards this sub-clause, it has also been brought to our notice that the limitations on share-holding provided for in sub-clauses (3) (a) and (3) (b) might be defeated if subjects of a foreign country or of a British Dominion which has discriminated against India were to form themselves into a limited company for the purpose of holding shares in the Reserve Bank, and we therefore considered whether some provision should be inserted to the effect that a company registered under the Indian Companies Act, 1913, should only be allowed to hold shares if a majority of the shareholders consisted of persons qualified under sub-clauses (3) (a) and (3) (b). It appeared to us on further examination, however, that any such provision would be extremely difficult to enforce in practice owing to the constant variations which would be possible in the shareholders of any company. On the other hand, the alternative of excluding companies not registered in India altogether would go too far, for there are many private and public companies formed for the purposes of investment which might hold shares in the Reserve Bank. We have not therefore proposed the introduction of any restriction, but we recommend that the Government and the Central Board of the Reserve Bank should watch carefully for any signs of evasion of the purposes of sub-clauses (3) (a) and (3) (b) by the formation of companies by persons disqualified from holding shares. If any such abuse were to attain serious dimensions we think that the Government should consider amending legislation.

*Sub-clause (4).*—We have recommended the deletion of the discretionary power proposed to be vested in the Central Board to decline without giving any reasons to allot shares to any applicant or to register any transfer of shares.

*Sub-clauses (5) and (6).*—We consider that if the scheme for the election of Directors to the Boards of the Reserve Bank is to work satisfactorily the proviso to sub-clause (5) should be deleted and that sub-clause (6) should be amended in the manner suggested by us so as to restrict the sale by the Governor-General in Council of unallotted shares only to residents of the areas concerned, except as regards a part of the unallotted shares from the Delhi area which we have treated as a special case.

We have carefully considered the manner of allotment of shares in order to secure as wide a distribution of voting rights as possible and to provide fair facilities for investment by the less wealthy classes. In view of the reduction which we have recommended in the nominal value of each share we propose that five shares should carry one vote. In alloting the shares assigned to a register the

Central Board should therefore in the first instance allot five shares to each qualified applicant who has applied for five or more shares. Of the remaining unallotted shares, shares up to the amount of one-half of the balance should be allotted to applicants for less than five shares. The balance still remaining should be allotted to applicants for more than five shares, the distribution being so made as to secure the widest distribution of voting rights.

In order to avoid any possibility of difficulty for the Directors elected to the Boards of the Reserve Bank to acquire the prescribed number of qualifying shares, we recommend that a sufficient number of shares should be reserved by Government to be available for purchase by the Directors and members of Local Boards at par, and that these purchasers should give an option to Government to repurchase such shares at par when they retire.

We attach great importance to securing that as large a proportion of the population of India as possible shall become shareholders of the Reserve Bank and thereby take an interest in its efficient working. We therefore recommend that the widest publicity should be given to the prospectus of the issue of the Reserve Bank shares and that facilities for applications to investors should be given through Government post offices and treasuries.

*Sub-clause (5).*—We have come to the conclusion that a more equitable distribution of the original capital having regard to the population of the areas concerned be made in the following manner :—

Bombay register—140 lakhs ;

Calcutta register—145 lakhs ;

Delhi register—115 lakhs ;

Madras register—70 lakhs ;

Rangoon register—30 lakhs ;

We have suitably amended this sub-clause.

*Sub-clause (6).*—We have split up this sub-clause into a number of sub-clauses. The original arrangement seemed unwieldy.

*Clause 5.*—It was originally provided in the Bill that any additional shares created should be assigned to the various registers in any manner fixed by the Central Board with the previous sanction of the Governor-General in Council and that the latter should also determine the manner in which such additional capital should be allotted to the various areas. We have recommended that the distribution should be in the same proportions as fixed for the original share capital.

In view of the liability that would be placed on the Government by any increase in the share capital of the Bank we consider that the previous approval of the Central Legislature should be obtained to any increase in the share capital.

We have also made certain minor consequential amendments in this clause.

*Clause 6.*—It was suggested to us that branches of the Reserve Bank should be opened at Lahore, Cawnpore and Karachi. The principal reason for this suggestion was that the banks and the public at those places would not otherwise get the same facilities as would be available at places where there were offices and branches of the Reserve Bank. We wish to emphasise that at places where it has no branch the Reserve Bank must, through its agencies, provide facilities of the same adequacy as are available at places where it has offices or branches. We do not desire to fetter the discretion of the Reserve Bank in regard to the opening of branches as it should be guided in this matter by practical experience. We, however, recommend that in the Agreement between the Reserve Bank and the Imperial Bank of India it should be made clear that the former is not prevented by that Agreement from opening a branch anywhere if it considers this necessary or desirable.

We considered in this connection whether it would be proper to place a statutory obligation on the Reserve Bank to open a branch in London. We have noted that the present tendency among the Central Banks of the world is not to establish branches outside their own countries but to employ other Central Banks as their agents at foreign centres. While we should be unwilling to make any recommendation which could be construed as a failure to appreciate the importance of international co-operation between the Central Banks of various countries, we cannot accept the view that the practice of other countries affords an exact parallel to the particular case of India as regards representation in London. We, therefore, think that the Board should have absolute discretion to open a branch in London and we recommend that the provision requiring the prior assent of the Governor-General in Council should be deleted.

We recommend that, as in the case of the Imperial Bank, the Head Office of the Bank should be migratory, as we consider that otherwise there might be some risk of failure to secure evenly balanced consideration of the varying interest of different parts of the Indian continent. We have, therefore, amended the clause to provide that there shall be offices in Bombay, Calcutta, Delhi Madras and Rangoon and have left it to the discretion of the Central Board how they should move their headquarters between them.

*Clause 7.*—We have made a small drafting amendment to bring out more clearly the intention of this clause.

*Clause 8, sub-clause (1) (a).*—We consider that one of the most vital points affecting the successful operation of the Bank will be

the personality and qualifications of the Governor. It is in our view essential that he should be a man who will command the confidence of the public generally and particularly of Banking and commercial circles, so that the policy of the Bank which will largely depend on his guidance, may be accepted as authoritative. We do not consider that these conditions will be fulfilled unless he is a man who has established a position in the business world and we have, therefore, recommended the insertion of a provision in a new sub-clause (2), to cover appointments made both under clause 8 and clause 15 that he must be a man " of tested banking experience covering a period of at least five years." We have given full consideration to the arguments put forward by the Government members who, while not differing from our general appreciation of the position as stated above, have warned us that the actual definition of the qualifications which we have recommended may, on the one hand, prove ineffective for excluding unsuitable appointments, and, on the other hand, prove unduly hampering to the discretion of the appointing authorities and by their very rigidity exclude a man who might be exactly fitted for the post. They have pointed out to us that commercial banking experience is not necessarily an adequate qualification for the head of a Central Bank, and that recent experience of other countries affords many examples of extremely successful appointments of men who would have been excluded by the words of our proviso. While recognising the force of these arguments, we think it necessary definitely to provide in the statute for the exclusion of certain types of appointment which we should consider undesirable, and we are prepared to face the necessity for amending legislation in the event of our words proving in practice to be unduly hampering.

We do not think it necessary to impose any similar restriction on the selection of the Deputy Governor because these appointments will afford a suitable opportunity for giving practical banking experience to men who are otherwise well qualified.

We consider that the responsibilities falling on the chief executive officers of the Bank will be such that it will from the very outset be necessary that there should be two Deputy Governors and we have amended this clause so as to make their appointment obligatory. Many of us wished to add a provision that of the three highest posts thus created (*viz.*, the Governor and two Deputy Governors) one at least should be an Indian. We have, however, been informed that the official members in charge of the Bill are prepared to give a definite assurance in the Legislature that the Government will take account of our representations and that it will be its policy in making the first appointments and thereafter that at least one of the three shall be a qualified Indian. We are satisfied with this assurance.

We wish to make it clear that we accept the proposals of this clause as regards the appointment of the Governor and Deputy Governors on the understanding that there must be prior consultation between the Governor-General in Council and the Central Board before any recommendation is made—in short that the practice hitherto followed in the case of the appointment of the Managing Governors of the Imperial Bank, to which an exactly similar statutory provision has applied, should be observed.

*Sub-clause* (*1*) (*b*).—We considered whether any addition should be made to this sub-clause in the form of a direction to the Governor-General in Council as to the manner in which he should exercise his power of nomination. We have been assured that it is intended that this power shall be used to ensure that territorial or economic interests which have not secured adequate representation in the elections shall have such inadequacy corrected by this means. We do not consider it appropriate to embody in the statute any specific provision for the fulfilment of this intention, but we consider that in the instrument of instructions to the Governor-General a passage should be inserted making it clear that this power should be exercised in the general manner indicated above and in particular to secure adequate representation of the interests of agriculture and co-operative banking if these interests had not secured such representation among the elected directors.

*Sub-clause* (*2*).—We have made an alteration in the wording here. In view of the Government's interest in the financial earnings of the Bank we consider that it should have a voice in fixing the salaries paid to the chief executive officers.

*Sub-clause* (*4*).—We recommend that nominated Directors should hold office for five years in the same way as elected Directors. We consider that the provision in its original form might tend to fetter their independence of judgment. We have proposed an amendment for the same purpose in clause 11.

*Clause 9, sub-clause* (*1*) (*b*).—We have filled in an obvious lacuna in this sub-clause and in the new proviso which we have added, we have indicated clearly for the guidance of the Central Board, the object with which the power of nominating three members to each local board has been conferred on that body.

*Sub-clause* (*2*).—We have reduced the value of a voting qualification from two shares of Rs. 500 each to five shares of Rs. 100 each.

We have included a provision for the exercise of shareholders' votes by proxy which is undoubtedly necessary. We have, however, thought it desirable to include certain limitations as to the persons who may hold proxies for this purpose, and also to introduce

words which will make it clear that a shareholder should not be allowed to give a "general proxy" and that proxies should not be accepted if made out under a general power of attorney.

*Sub-clauses (4) and (4A).*—We consider it essential for the convenience of the shareholders that the Bank should give adequate notice of election to the local boards and publish a list of shareholders which should be available on purchase. For the latter purpose the Bank must have power to suspend the registration of transfers for a reasonable period preceding the election. We have made amendments to give effect to these purposes.

The other amendments suggested by us in this clause are of a drafting nature only.

*Clause 10, sub-clause (1).*—We have omitted certain words in sub-clause (1) (a) and deleted sub-clause (1) (b) which appeared to us to be unnecessary as the qualifications are sufficiently defined by sub-clause ( ) (a).

*Sub-clause (2).*—We have added in this sub-clause certain additional disqualifications taken from the Indian Companies Act which seem to us to be necessary.

We have omitted the proviso to this sub-clause as we considered that the objections to a State official being appointed would be no less than to any other Government official.

*Sub-clause (2A).*—We have proposed the insertion of a new sub-clause on the lines of a similar provision in the Imperial Bank of India Act.

We have also suggested in this clause certain minor amendments of a drafting nature.

*Clause 11, sub-clause (1).*—For the purpose explained in our note on clause 8 (4) we have amended the proviso to this clause so as to place nominated directors on the same footing as elected directors.

*Sub-clause (2).*—We have reduced the value of qualifying shares from Rs. 10,000 to Rs. 5,000. We consider the smaller figure adequate.

We have added a provision at the end of this sub-clause for the vacation of office in the case of continued absence. It is of the highest importance that Directors and Members of Local Boards of the Reserve Bank should be ready to give adequate attention to their responsibilities.

*Sub-clause (3).*—We have altered the wording of this sub-clause so as to make the provision mandatory instead of discretionary. We have also deleted as unnecessary certain words in this sub-clause regulating the period within which directors should be required to acquire the prescribed number of qualifying shares as the addition which we have suggested in new clause 4 (3) should obviate any difficulty.

*Sub-clause (3A).*—We have inserted a new sub-clause (3A); we feel that in the interests of the Bank a provision on these lines is desirable.

*Sub-clause (4).*—We have increased the period within which a member of the Legislature must demit office. To limit this to one month would, in our opinion, present practical difficulties.

*Clause 12, sub-clause (1).*—We think that the initiative in this matter should come from the Central Board. We have amended this sub-clause accordingly.

*Sub-clauses (3) and (4).*—We have rearranged the provisions of these sub-clauses as it did not appear to us that in their original form they provided properly for maintaining at all times the representative nature of the elected members of the Central Board. The effect of our proposals is that a vacancy of an elected member in the Central Board will be filled in the following manner: first an election to fill his vacancy in his Local Board and then an election by the newly completed local board to fill the vacancy in the Central Board. In the case of a vacancy of an elected member of a Local Board who is not also a member of the Central Board we consider that it would suffice for such a vacancy to be filled by co-option until such time as the Local Board is called upon to fulfil its function of electing a member to the Central Board. Before that is done, the co-opted member should be replaced by an elected Member.

*Clause 13, sub-clause (1).*—We have made an amendment consequential to our amendment of clause 6.

*Sub-clause (1A).*—We think that provision should be made so as to enable any three Directors to convene a meeting of the Central Board. We have added this new sub-clause accordingly.

We consider whether it was necessary to provide what should be a quorum for a Directors' meeting, but have agreed that this matter should properly be governed by regulations to be made under clause 52.

*Clause 14.*—We have made a consequential amendment corresponding to our amendment of clause 6. We have followed the procedure of the Imperial Bank of India.

*Clause 15, sub-clauses (3) and (4).*—We have redrafted these sub-clauses on lines which we consider to be a distinct improvement on the original draft of these sub-clauses, by providing both for a more even flow of replacement and for a quicker replacement of nominated by elected directors.

As regards the general purpose of this sub-clause the non-official members of the Committee have made it clear that they would not consider anything less than 75 per cent. of the voting directors as affording a proper

representation of Indians. We have received an assurance on behalf of the Government from the Government members of the Committee that the Governor-General in Council will exercise his powers so as to ensure the proper representation of Indians on the first Board.

*Clause 17, sub-clause (1).*—We think that it is desirable to make it clear that the Reserve Bank can accept money on deposit from local authorities. We have amended the sub-clause accordingly.

*Sub-Clause (2) (a).*—We have added the word " on " to enable the Bank to discount rupee import bills in the event of such instruments coming into existence in the future as contemplated by the Central Banking Enquiry Committee.

*Sub-clause (2) (b).*—We consider that the period of six months is unduly restrictive in the case of agricultural bills and following the practice in the United States of America, we have raised the period of six to nine months. We have also omitted the proviso in the original clause as being undesirable in the present conditions of India.

*Sub-clause (3).*—We have re-arranged this sub-clause and divided it into three sub-clauses 3 (*a*), (*b*) and (*c*). In sub-clause (3) (*a*) we have restricted the operations of the Reserve Bank to scheduled banks only, as we do not think the Bank would normally require to transact such business with other persons, while we have separately provided in clause 18 for relaxing the restrictions in this sub-clause on special occasions.

On the other hand in sub-clause 3 (*b*) we have removed any restrictions on the persons with whom the Bank may deal outside India in sterling bills.

We have altered this sub-clause consistently with the recommendation recorded in our note on clause 2 (*d*) that operations in foreign currency should be restricted to sterling currency of the United Kingdom.

*Sub-clause (4).*—We consider that in ordinary circumstances dealings under this sub-clause should be restricted to banks, public authorities and Indian States. We have made provision in clause 18 for its extension where this is considered desirable on special occasions.

*Sub-clause* (4) (*b*).—We have included silver.

*Sub-clause* (4) (*c*).—We have omitted the proviso for the same reasons which led us to omit the proviso to sub-clause (2) (*b*) of this clause.

*Sub-clause (4) (d).*—We have omitted this as unnecessary in consequence of the change made in 17 (4) (*c* .—

*Sub-clause (4) (d).*—We have omitted the proviso because we consider that there is little likelihood of the bill habit developing within five years to such an extent as to make it possible to discontinue this practice within that time.

*Sub-clause (5).*—We consider that the provision in its original form might lead to undue latitude. In an extreme case it would be permissible for Government to borrow in this way for a period of fifteen months. We consider that such advances should normally, as soon as possible, be converted into treasury bills which should be offered on the open market even though the Reserve Bank may take them up. We have, therefore, limited the period to three months. We have enlarged the scope of this clause so as to include advances to such Local Governments as may have the custody and management of their own provincial revenues.

*Sub-clause (6).*—We were informed that bank post bills are not made payable elsewhere than at the office of issue and have amended the sub-clause so as to state the existing practice correctly.

*Sub-clause (7)* —We consider that in view of the limitation of holdings to securities of the British Government [*vide* our note on sub-clause (2) (*d*)] this provision is unduly restrictive and that the Bank should be empowered to purchase such securities up to a maturity of ten years. We must make it clear that our intention is that this should be merely an enabling clause, and that in practice the Bank should arrange for its holding of securities to be as liquid as possible.

*Sub-clause (8).*—We consider that the sub-clause as originally drafted was unduly restrictive and would not allow sufficient facilities for open market operations by the Bank. We have therefore modified the amounts in the proviso but wish to make the same point here which we did with reference to sub-clause (7), namely, that these figures are to be regarded as a maximum and that in ordinary circumstances the Bank must keep its security holding as liquid as possible and operate well below these limits. We also consider that, in view of recent flotations by provincial Governments, there is no reason for restricting the maturity of securities of a Local Government to ten years. As regards securities of Local Authorities and of States in India we think it better that instead of limiting these according to their maturity, their eligibility should be subject to the general overriding approval of the Government of India which would enable each particular case to be considered on its merits. We have amended the sub-clause accordingly.

We also wish to provide that where a security is fully guaranteed both as to principal and interest by any authority, it shall be considered for all purposes as the equivalent of a security of such authority.

*Sub-clause (9).*—We have not restricted the operation of this sub-clause to scheduled

banks or public authorities because we consider that there might be cases in which such restriction would operate inconveniently in practice. At the same time we wish to make it clear that in our view this power should not be exercised by the Bank so as to compete in its normal business with the commercial business of other banks. It should be the duty of the Government to watch this and to see that the interests of other banks are in practice protected.

*Sub-clause (13).*—We see no reason why this should be restricted to sterling standard countries. It is desirable to promote co-operation between Central Banks, and we therefore consider that the Reserve Bank should be empowered to act as the agent of any Central Bank, and *vice versa*.

*Clause 18.*—We have added words to this clause so as to make it clear that although the exercise of these powers should not necessarily be regarded as limited to occasions of so critical a nature as to justify their description as an emergency, nevertheless they are not to be used for the normal operations of the Bank and should be restricted to special occasions. We have also modified it so as to provide for the delegation of the powers of the Board to a Committee of the Board as well as to the Governor. We have further thought it desirable to make it clear that although in order to make quick action possible the Board may delegate its special powers under this section to a committee or to the Governor, nevertheless such delegated powers should not normally be utilised without previous consultation with the Board, and that if in cases of special urgency such previous consultation is impossible, the members of the Board shall be informed at once so that, if they think fit, they can convene a special meeting to have the policy considered and decided.

We have also made amendments consequential on the limitations which we have suggested in our amendments in sub-clause (3) and sub-clause (4) of clause 17.

*Clause 19, sub-clause (4).*—The word "unsecured" appears to convey very little meaning without qualification and we think that it should be omitted, thus leaving the powers to make loans and advances exclusively regulated by the clauses which give powers in his respect.

*Clauses 20 and 21.*—We think that it should be made clear that the Governor-General in Council should have the final power of decision regarding the terms on which these transactions are to be carried out in the unlikely event of a failure to settle them by agreement. We also consider that the Agreement to be entered into with the Reserve Bank, in view of its importance, should be laid on the table of both Houses.

*Clause 21 sub-clause (2).*—We have omitted the word "in India." They appear to us to be unnecessary, because in present circumstances neither the Governor-General nor Local Governments can, as such, float loans outside India, and, should they acquire this powers in the future, an amendment would be necessary, if these words were retained, to have them removed

*Clause 22.*—We do not see any need to use the expression "paper money." We also think that the limitation to one year is unduly rigid and might prove inconvenient in practice, while, on the other hand, we cannot see any objection to the bank being allowed to use Government currency notes until the stocks are exhausted.

*Clause 24.*—We consider that the clause in its original form was unduly rigid and might have proved inconvenient.

*Clause 25.*—We have added a few words so as to make it clear that the primary duty for making proposals as to the form and design of notes rests with the Central Board. We consider that sudden and drastic changes in the design and form of notes should not be made.

*Clause 27.*—There is at present no machinery for the sterilization of notes and it is unlikely that any will be introduced in view of the comparative simplicity of destroying notes and issuing new ones. We have therefore omitted the first part of this clause.

*Clause 28.*—We have retained this clause pending examination by a small committee of official and non-official experts, which should meet as soon as possible, of the whole question of the rules regarding payment on lost, stolen or mutilated or imperfect currency or bank notes. We may add that if our recommendation that the Reserve Bank should offer free remittance facilities to scheduled banks between their branches is accepted, the question of the rules referred to above may lose much of the importance that is now attached to it.

*Clause 30.*—We consider that the remedy proposed in the clause in its original form was inappropriate. If the Bank failed to comply with the requirements of Chapter III or of any other provision of the Act and if, in consequence, it was decided that it should forfeit the right of note issue, it is hardly conceivable that it would command the confidence of the public to such an extent as to be allowed to remain in charge of the other functions entrusted to it by the Act. We therefore consider that in such circumstances a complete reconsideration of the position will be necessary. It is not possible to lay down in advance exactly what steps will be necessary nor do we feel entitled to assume that the liquidation of the Bank will necessarily and inevitably be the only possible course. We therefore think that the right form of provision is one which will give the Government power to make emergency

arrangements and lay upon it the duty of consulting the Legislature at the first opportunity, after which further and permanent measures can be settled. We have drafted the clause accordingly.

We think it important to record our view that if a failure by the Bank to fulfil its obligations under the Act is the result of a national emergency or a crisis arising from factors over which the Bank had no control, it would be the duty of the Government to use the resources of the State in maintaining the Bank and tiding over the difficulty.

*Clause 31.*—We have inserted the words "including hundis" after "drafts" in the proviso so as to make the wording of the proviso conform to the wording in the body of the clause.

*Clause 32.*—The powers of a Presidency Magistrate or a Magistrate of the first class to impose fines are limited to a maximum of Rs. 1,000, so that the wording of the clause as it stood was self-contradictory. We have altered it to make the meaning clear.

*Clause 33, sub-clauses (1) and (2).*—As we stated in our note on clause 2, sub-clause (*d*), we consider that the fiduciary external assets should be limited to securities of the United Kingdom.

*Sub-clause (2).*—Some of us have wished to prescribe (*a*) for the amount of gold at present held by Government in its currency reserves—namely, about 44½ crores—being retained as a minimum, and (*b*) for maintaining the gold in the reserves at a minimum percentage of 20 per cent., to the liabilities of the issue department. As against this it has been argued by the Government members (*a*) that even if it might be thought right as a matter of policy, at least in present circumstances, not to part with any of the present stocks of gold, nevertheless a statutory prohibition against dealing in any way with any of the gold may prove unduly hampering on the Bank and so weaken its power to defend the position in case of need that in practice the limitation might prove to be not an added safeguard for the preservation of the reserves but an actual source of weakness, (*b*) that any percentage provision is in present circumstances entirely unsuitable, for it might force the Bank actually to buy gold at times when such a purchase would involve in any case a heavy book loss (owing to the fact that gold has according to the accepted provisions of this Bill to be valued at a price which is about 33 per cent. below its present market value) and possibly an ultimate real loss. Those of us who have supported the former views are prepared to accept a compromise in the form of increasing the minimum to 40 crores and this the Government members have stated that they are prepared to accept as part of a general plan which is in other respects satisfactory.

*Sub clause (3).*—We have omitted the words "drawn and" as a consequential amendment to the amendment which we have suggested in 17 (2) (*a*). We also consider that the limitation of rupee securities might prove unduly restrictive. We have therefore altered the word "less" to "greater" and have made additional provision for a further 10 crores with the permission of the Governor-General in Council.

*Sub-clause (6).*—We have omitted sterling securities of the Government of India. We do not consider that these are assets which could properly form part of the external reserves, and there is no need even for their temporary inclusion.

*Clause 35.*—We have added a proviso to make it clear that at the time of transfer the whole of the gold coin and bullion held by the Governor-General in Council in his reserves should be transferred to the Bank.

*Clause 36.*—As a result of the provisions of this clause which differ from those of the earlier Reserve Bank Bills, the Government will be left in possession of a large part of the stocks of silver bullion and rupees which it now holds. The policy of disposing of such silver and the methods of accounting for its proceeds involve important issues which the Legislature should be given an opportunity to consider. We have dealt with this question in the final paragraph to this Report.

*Sub-clause (1).*—We have altered 1/10th to 1/6th because we consider that, particularly in view of the obligations which we are putting on the Bank in clause 39 to make its notes fully convertible into silver rupees, a proportion of 1/10th is too low.

*Sub-clause (2).*—For the same reason we have altered "may" in sub-clause (2) to "shall."

We have also substituted the words "securities of the British Government" for "securities of sterling standard countries" consistently with our proposals under clause 33.

*Clause 37.*—The small amendment in this clause is consequential.

We have added a proviso to ensure that the minimum gold holding specified in clause 33 (2) shall in any case be retained as the last reserve. We consider that if the currency reserves had to be drawn upon so heavily that they were reduced to 40 crores a situation would have been created which would in any case require reconsideration of the whole position. In that event we think it of the greatest importance that the Bank should possess at least this minimum holding of gold as a nucleus of reserves with which to maintain the currency position on the new basis which might be settled after such reconsideration. It is because we consider that a stock of gold will in such circum-

stances be the most valuable nucleus that we think this minimum should be preserved in the shape of gold rather than in sterling securities. In making this recommendation we do not imply that a provision of this nature, earmarking a certain portion of the currency reserves for special treatment, is necessarily suitable as a permanent provision, and we recognise that it may have to be reconsidered when the occasion contemplated in the preamble to the Bill arises and it is possible to frame measures for establishing the Indian monetary standard on a permanent basis.

*Clause 38.*—We have omitted the word "new" which seems irrelevant in this context.

*Clause 39.*—We consider it essential that provision should be made to ensure the legal convertibility of the notes of the Reserve Bank into silver rupees. Even though on theoretical grounds such a provision might seem undesirable, we feel that it is much more important to ensure that confidence in the notes of the new institution will not be endangered.

It is, in our view, implicit in this clause that the Bank will create sufficient branches, offices and agencies throughout the country to enable it to fulfil its obligations to supply different forms of currency so as to meet the reasonable needs of the public.

*Clauses 40 and 41.*—In accepting the provisions of these clauses we have read them together with the preamble and have accepted the conclusions of the London Committee which we think it advisable to restate :—

> "In the prevalent state of monetary disorganisation throughout the world, it is impossible to incorporate in the Bill provisions which would necessarily be suitable when monetary systems generally have been recast and stabilised. In these circumstances we consider that the only sound course for India is to remain on the sterling standard. On this basis the exchange obligations incorporated in the Bill must necessarily be in accord with the rupee sterling ratio existing *at the time when the Bill is introduced*. This statement does not, however, imply any expression of opinion on the part of the Committee on the merits or demerits of the present ratio. The ratio provisions in the Bill are designed to make it clear that there will not be any change in the *de facto* situation by the mere coming into operation of the Reserve Bank Act."

The Government members have made it clear to us that their intention in introducing this Bill is merely to create the machinery of a Central Bank and not to ask for any special confirmation from the Legislature of the present ratio. We are prepared to accept the view therefore that the ratio issue does not arise in the present Bill.

*Clause 41.*—We have added the second proviso with a view to protect the interests of the Bank.

*Clause 42.*—This is a wide and very difficult clause as it covers entirely new ground and the conditions in India are so diverse that its provisions must be regarded as tentative and may have to be modified by legislation after practical experience has been gained. We have had particularly in mind a certain modification in the form of an extension of the scope of this clause and for this reason have added a new clause 49-A making it incumbent on the Bank to submit proposals for legislation with particular reference to the conditions of indigenous banking.

Apart from this, we consider that the clause in its original form would have been likely to prove unduly rigid in its operation; and in particular that to calculate the average holdings of the scheduled banks from monthly returns might have involved the imposition of penalties in an inequitable manner. We have therefore substituted weekly returns based on the actual figures of a particular working day. We discussed the percentages of $7\frac{1}{2}$ and $2\frac{1}{2}$ with the banking experts. They thought that those proportions were too high but agreed that 5 and 2 would be practicable. We agree and have reduced the proportions accordingly. We further recommend the exclusion of certain liabilities of a more or less technical character from the liabilities on which the minimum deposit has to be calculated. In addition we consider that loans from the Reserve Bank should be excluded from the liabilities as calculated.

In sub-clause (7) we have come to the conclusion that the limit of 3 lakhs is too low and might result in the inclusion of petty firms which do not really fall within the intention of the section. We have therefore increased 3 lakhs to 5 lakhs. We considered whether it would be possible to include together capital and reserve the amount of deposits as a criterion but came to the conclusion that they are so variable that this would be impracticable. In our view any alteration on these lines must be considered in the light of practical experience. We also consider that when the question of the inclusion of companies is being considered, special care should be taken that companies are not included which are not performing what is really banking business. This should not be difficult for the Bank to decide with reference to each particular case, though it is difficult to draft a general definition of what is banking business and we have not

attempted to do so. It may later be found, as a result of practical experience, possible to incorporate such a definition in the statute. We have made consequential amendments in the Second Schedule but we would emphasise the fact that the Schedule is merely illustrative and that it has been compiled on admittedly inadequate material. After the passing of the Bill early intimation should be sent to the companies included in it or to any others the inclusion of which would seem to be indicated by later statistical returns so as to give them ample time to show cause if they consider that they should not be included.

In connection with this clause we have also considered several representations made by banks and other parties. One is that the repayment of these compulsory deposits should be guaranteed by Government. We are not prepared to recommend such a provision. It was also suggested that savings bank deposits should be reckoned as time liabilities for the purpose of the calculations in sub-clause (*1*). We consider that the terms on which savings banks are run by various banks vary so widely that it would be impossible to frame any general rule.

In view of the fact that the Reserve Bank will only have a few offices of its own, it will obviously be necessary for the scheduled banks to keep accounts with the Reserve Bank at branches of the Imperial Bank as agent for the Reserve Bank. Balances held on such accounts will of course be taken into account in calculating the amount of any scheduled banks' deposits with the Reserve Bank.

*Sub-clause* (4).—We are informed that it may be difficult for banks in certain parts of the country which have branches in the interior having no easy communication with their head offices to submit the returns prescribed in this clause within the allotted time. We have provided that in such cases the Reserve Bank should have power to extend the period for the submission of the returns.

*Clause 42A.*—We consider that a consolidated statement based on the returns collected under clause 42 should be published on the ground that they should be of interest and value to the public. Though the returns of individual banks must obviously be regarded as highly confidential, this consideration does not apply to statistical returns compiled from them all.

To make the returns more complete for statistical purposes we consider that the Government should also furnish the Bank periodically with figures of the amounts of rupee coin, subsidiary coin and notes held at treasuries and sub-treasuries.

*Clause 43B.*—We considered whether provincial co-operative banks should be included in the Schedule, but came to the conclusion that though there may be considerable advantages in such a course, the time is not yet ripe for it. We consider, however, that if co-operative banks are to be given the facilities indicated in clause 17, they should submit the same returns as those prescribed for scheduled banks so as to enable the Reserve Bank to see that they are maintaining a satisfactory position.

*Clause 43 and the Third Schedule.*—We have given very careful consideration, after discussion with the representatives of the Imperial Bank and other bankers, to the various issues involved in the Agreement to be entered into between the Reserve Bank and the Imperial Bank of India. We think it necessary to record our views under the following three main headings :—

(*a*) *Remuneration for handling Government Account.*—On the basis of the figures supplied to us we have reached the conclusion that the terms suggested are reasonable and represent no more than is necessary barely to cover the actual cost incurred by the Imperial Bank in performing these services. We are assured by the Government representatives that these figures were based on detailed and audited statements supplied by the Imperial Bank and accepted by the Finance Department after careful examination of the method of distribution of overhead charges. We think, however, that it would be satisfactory to the Legislature that the basis on which the costs have been calculated should be independently examined by the Auditor-General and that a report by him should be presented by the Government when these provisions of the Bill are under discussion indicating whether in his view the basis on which the costs have been calculated is reasonable and the results of the calculations correct.

(*b*) *Compensation for the keeping open of branches.*—We consider that the method proposed in the Schedule of keeping specified minimum balances with these branches either free of interest or at concessional rates is not a satisfactory method for fixing compensation under this head, for the value of such balances must vary greatly according to the rates obtainable for the use of money. It appears to us much more satisfactory that a definite annual payment should be made, based on the losses actually incurred. At the same time it would not be justifiable to settle this compensation for a long period on the basis of present results because it must be anticipated that with the general development of banking in India these branches will become progressively more remunerative. We therefore propose a diminishing scale leading to a termination of all compensation after 15 years. We con-

sider that the figures proposed are reasonable on the basis of the statements supplied to us as to the actual cost of maintaining these branches, but in this case also we recommend that an independent check on the calculations should be made by the Auditor-General and included in the report already referred to.

(c) *Period of agreement.*—We have taken into account the fact that as the compensation for maintaining the unremunerative branches would terminate after 15 years, there would be some advantage to the public in continuing the Agreement beyond 15 years so as to prolong the period during which the Imperial Bank remains under an obligation not to close any of these branches. On the other hand, we consider, first, that a period of 25 years is in any case too long for a commitment of this important nature and, secondly, that inasmuch as the commission payable for handling Government Account is intended to be based on the actual cost of the services rendered, the rate of commission should be open to recalculation at a comparatively early date. Taking all the foregoing considerations into account, we recommend that the Agreement should run for 15 years subject to termination on 5 years' notice given at any time after that period, and that the commission payable for handling the Government Account should be reviewed at the end of ten years and thereafter at five-yearly intervals. It should be made clear that the object of such review would be to settle the actual cost to the Imperial Bank, that the commission should be settled on this basis, and that the calculations shall be subject to expert accounting investigation. In the event of any difference of opinion as to terms arising between the Reserve Bank and the Imperial Bank, we recommend that power to settle the terms finally should be vested in the Governor-General in Council.

In view of all the arrangements as regards staff, etc., involved we consider that a period of five years for notice of termination is no more than reasonable.

Lastly, there is one important point which should be made clear in this agreement, namely, that it should not in any way preclude the Reserve Bank from opening its own offices or branches at any place where the Central Board may, as a result of experience, find this to be expedient in the interests of the public notwithstanding the fact that the Imperial Bank has up to then acted as its agent at such places.

*Clause 43A and clause 44 (included in Chapter IV).*—We think that the provision in clause 44 for the building up of a Reserve Fund would throw an unnecessarily heavy initial burden on central revenues. At the same time we consider it highly desirable that an adequate Reserve Fund should be available to the Bank in its early years, the main purpose of such a Reserve Fund being to provide a margin against possible depreciation in securities held either in the Issue or Banking departments of the Bank. After careful consideration we have come to the conclusion that the most satisfactory solution would be for Government to start the Bank with the full reserve proposed in the Bill by making over to it the sum of 5 crores in short-dated Government securities—probably treasury bills.

The arrangements for distribution of profits should then provide that this Reserve Fund will always be maintained at the figure of 5 crores.

This change does not involve any substantial recasting of the provisions of the original Bill, all that is necessary being to omit that part of the provisions which covered the period until the reserve had been built up to 5 crores. We have amended the clause accordingly and also included a provision for the initial transfer of the 5 crore Fund by Government, so that this transaction may be covered by a vote of the Legislature.

*Clause (44A).*—We consider it desirable to make provision for the exemption of the profits of the Bank from income-tax and company super-tax, while at the same time providing that the shareholders will have to pay income-tax on the dividends which they actually receive.

*Clause 45.*—We think it is desirable that the Bank should have power to discount agricultural bills at concessional rates which may be below the rate for the purchase or rediscount of commercial paper. We have therefore altered the words "minimum rate" in this clause to "standard rate."

*Clause 47.*—We think that the Governor-General in Council should also have discretion to appoint the Auditor-General as auditor under this clause if he so desires. We have amended the clause accordingly.

*Clause 49.*—We have provided that the annual accounts transmitted to the Governor-General in Council by the Reserve Bank should be accompanied by a copy of the Directors' report on those accounts.

*Clause (49A).*—Though we consider it important that a start should be made on the lines indicated in clause 42, we recognise that the developments at this stage must be tentative. We therefore consider it important that a statutory provision should be included, making it incumbent on the Bank to report at the earliest practicable date and in any case within three years and, if necessary, to prepare proposals for legislation so as to include indigenous bankers and other parties doing banking business in India

who are not at present included in the Schedule within its scope subject to such restrictions as the Board may consider necessary. In this report it should also include proposals for the closer linking of agricultural enterprise with the machinery of the Reserve Bank, possibly by the establishment of a separate rural credit department.

We also think that in this clause it would be desirable to include a provision embodying in a more concrete form the principle recognized in the preamble, by placing a definite obligation on the Board to put up proposals for a more permanent currency system for India when they consider that the pre-requisites indicated in the preamble have been fulfilled, that is to say, the international monetary position has become sufficiently clear and stable.

*Clause 50, sub-clause* (5).—We have added this sub-clause to fill up a lacuna in the clause as originally drafted.

*Clause 51.*—Some of us are of opinion that the Governor-General in Council should have power to purchase the shares of the Bank at the end of 25 years if in the interests of the country it is then considered desirable to run the institution as a State Bank.

*Clause 51, sub-clause* (1).—This sub-clause as originally drafted left it doubtful in whom the power to initiate liquidation proceedings was vested.

*Sub-clause* (2).—We have added a proviso to limit the amount of the surplus assets which would go to the shareholders in the event of liquidation of the Bank in the early years. We consider that, without some limitation of this nature, the shareholders might, particularly as a result of the proposals mentioned in the note on clause 44 for starting the Bank off with a Reserve Fund of 5 crores, be placed in an unduly favourable position in the event of early liquidation of the Bank. Unlikely though that contingency may be, we have thought it necessary to provide for it. It will be noted that according to the original proposals in the Bill the shareholders would have been entitled to receive 25 per cent. of the 'surplus assets' on liquidation, and as according to the proposals for distribution of profits these surplus assets could hardly have exceeded the maximum amount of the Reserve Fund, namely, the amount of the share capital of the Bank, the shareholders would under the original proposals also have had no expectation of a higher profit on liquidation than 25 per cent.; and this position would only have been attained after several years of working.

*Clause 52, sub-clause* (2) (*mm*).—We have added the power to make regulations regarding the fees to be paid to Directors and to members of the Local Boards.

*Sub-clause* (2) (*mmm*).—We think it desirable to make special provision for regulations regarding the relations of scheduled banks with the Reserve Bank. In particular, it may be found necessary for or desirable for the Reserve Bank to call for further information from them.

*Sub-clause* (2) (*mmmm*).—Though the management of clearing houses is one of the usual functions of a Reserve Bank, we think that it would be as well to make specific provision for the regulations which the Bank will issue in this matter.

*Sub-clause* (3).—We have added this sub-clause to make it clear that copies of any such regulations will be available to the public on payment.

4. The Government put before us a memorandum* which we have attached to this Report containing their proposals for dealing with three important matters which were recommended for further consideration in India by the Committee which considered the Reserve Bank proposals in London. These matters are :—

(1) The method for dealing with the surplus stock of rupees which are at present held in the Government's currency reserves, but which will under the plan embodied in the present Bill be retained by Government.

(2) The amount of external reserves which should be handed over by Government initially on the formation of the Bank.

(3) The method for dealing with any profit or loss which may result from a revaluation or a sale of the stocks of gold to be handed over to the Bank by Government.

The first of these questions arises as a result of the general plan embodied in clause 36 of the Bill—the effect of which is that, contrary to the plan embodied in the earlier Bills, Government will retain the responsibility in connection with the silver coinage so that the Bank will not have to carry stocks of silver coin surplus to its own requirements, or be concerned with sales or purchases of silver bullion or any loss which such transactions may involve. While we are prepared to state that we approve of this general plan, we have not had time fully to consider the details of the Government's proposals as regards the methods for dealing with the stocks of silver to be retained by Government nor as regards the matters arising under the other two heads. In the circumstances, as we are bound to present our report on the Reserve Bank Bill by November 20 and shall by that act

*Appendix A.

have completed the function laid upon us by the Legislature in this matter, we can only recommend that the details of the Government proposals should be further studied by the Legislature by such means as it thinks fit.

5. The Bill was published in the *Gazette of India*, dated the 16th September, 1933. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

*GEORGE SCHUSTER.
*COWASJI JEHANGIR.
*SANT SINGH.
MOHD. YAMIN KHAN.
HOMI MEHTA.
L. HUDSON.
*G. NARAYANASWAMI CHETTY.
S. R. PANDIT.
*S R. M. ANNAMALAI CHETTY.
J. S. HENDERSON.
*S. M. PADSHAH.
*MAHMOOD SUHRAWARDY.
CHARANJIT SINGH.
MOHD. HAYAT NOON.
*B. K. BASU.
*NRIPENDRANARAYAN SINHA.
*MATHURA PRASAD MEHROTRA.
*S. C. MITRA.
*BHUPUT SINGH.
ABDULLA-AL-MAMUN SUHRAWARDY.
*MOHD. AZHAR ALI.
*GAYA PRASHAD SINGH.
*HOSSAIN IMAM.
NIHAL SINGH.
*RAM SARAN DAS.
*VIDYA SAGAR PANDYA.
*B. DAS.
*J. B. TAYLOR.

* Subject to a minute or minutes of dissent.

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## APPENDIX A.

### MEMORANDUM BY THE GOVERNMENT REGARDING DISPOSAL OF SURPLUS SILVER.

In paragraph 21 of the report of the London Committee on Indian Reserve Bank legislation they made certain recommendations regarding the transfer of rupee coin between Government and the Bank which have been embodied in clause 36 of the Reserve Bank of India Bill, 1933, and as regards certain matters arising out of these recommendations the Committee proposed that they should be further examined in India.

(*a*) Heading (2) of the arrangement recommended was as follows :—

> " Any surplus of rupees which this arrangement would enable Government to remove from the reserve should be held by Government in a separate account, the silver being held as bullion not as coin. *Subject to further consideration by the Government of India* any proceeds from the realisation of such rupees should not be used, except for the purpose specified in (3) below "

The purpose thus specified was the " payment of full value " (40 per cent. in external assets) for any further surplus rupees transferred by the Bank to the Government.

(*b*) The concluding recommendation of paragraph 21 was as follows :—

> " We do not propose any alteration in the figure (of external reserves) in

the new Bill, but we think that this proportion may not necessarily be adequate, and we recommend that the question whether a higher proportion is required at the outset should, before the Bank is set up, *be carefully considered by Government* in the light of all the prevailing circumstances."

2. In paragraph 25 of their Report they also remarked :

"The possibility would obviously be present that the Bank might gain a large premium on the gold handed over to it by Government. The question as to how such premium should be dealt with, specially in the event of sales being made in the intermediate period pending revaluation of the gold, raises complex practical issues which we have not fully discussed. In principle such profits should belong rather to the Government than to the Bank, but our view is that this realised margin should in some way or other be kept available for strengthening the position of the currency reserves. *We recommend that detailed proposals should be worked out by the Government of India for consideration during the passage of legislation on this subject.*"

3. The points thus referred for further examination raise two problems which are closely connected and which, in the opinion of the Government of India, should be treated together. The following appear to be the main considerations which should be taken into account.

(*a*) The proceeds of any sales of the surplus silver (to be retained by the Government under the arrangement proposed) and of any surplus realised on the sale or revaluation of the gold (to be transferred to the Bank) would represent assets originally accumulated against the issue of currency and as part of the ordinary currency business of Government. Such assets should therefore be regarded as primarily earmarked for currency purposes.

(*b*) It does not, however, necessarily follow that such assets should be directly or immediately absorbed in the currency reserves of the Bank, because—

(*i*) The Government must retain a separate reserve against the liability imposed upon it to pay full value for further surplus rupees which it may be required to take over from the Bank under the proviso to sub-clause (*1*) of clause 36 *cf.* also the recommendation of the London Committee referred to above in paragraph 1 (*a*)].

(*ii*) Reasonable account must be taken of the general financial position of the Government which may react on the currency position. Looking at the matter from a practical point of view, it may not be good policy to accumulate excessive funds in specially earmarked reserves, because in the first place this may involve a substantial loss of interest seeing that in normal circumstances it will only be possible to earn a much lower rate of interest on such funds than the Government has to pay on its own public debt, and, in the second place, the general effect on India's credit of repaying outstanding loans may be of greater value than adding to the accumulated reserves (*cf.* as an actual example in the past the repayment by the Government of India from its own resources of the £15,000,000 sterling loan in January, 1932).

(*iii*) If the Bank is started off initially with reserves in gold and sterling assets which afford amply adequate cover against its issue liabilities, the addition from outside of still further external assets would serve no useful purpose and might even put the Bank into a position of being able with undue ease to expand the currency against rupee assets when that was not justified.

4. The Government of India have carefully weighed the above considerations and I am directed to place the following scheme before the Committee for its consideration:—

(*a*) The silver which will be retained by Government whether in rupee coin or bullion, should be regarded as stock purchased by Government from its Currency Department. On the basis of the accounts of the Currency Department on the 31st August, 1933 (at which date the silver stocks attained the maximum point reached during the current year) Government after handing over 50 crores of rupees to the Bank would retain rupees and silver of a nominal value of 55,41 lakhs. Against this 55,41 lakhs would be set off the value of the assets of the Gold Standard Reserve, 53,33 lakhs, so that the net debt against the silver thus retained by the Government would be the difference between these two figures, namely, 2,08 lakhs.

(*b*) The proceeds of any sales of silver after the transfer would be credited to a separate fund more or less on the lines of the present Gold Standard Reserve which it is suggested

might be called the "Silver Redemption Reserve." This reserve would be invested by Government in its entirety in gold or sterling securities.

(*c*) The book loss on sales of silver since the commencement of selling operations is approximately 31,63 lakhs*, and this figure must also together with the 2,08 lakhs mentioned under (*a*) be regarded as a debt incurred against silver. To this debt will also have to be added the full nominal value of any silver rupees returned by the Bank under clause 36 (*1*) of the Bill, while the full nominal value of any rupees sold to the Bank under clause 36 (2) will be deducted from it. The loss of 31,63 lakhs already incurred is as present held in a suspense account, and it will continue to be so treated. Interest and amortisation provisions against the debt represented by this loss and the 2,08 lakhs balance of silver to be taken over together with any further silver which may be taken over will be made in the manner described in the following paragraphs.

(*d*) Interest on the outstanding loss which is in fact represented by a corresponding portion of the public debt (namely, treasury bills in the Paper Currency Reserve) is at present met out of the revenues of the Government of India. This should continue both for the outstanding loss and any other additions to the silver debt referred to above, but the Government of India should be allowed to set off the interest which it receives from the investments in the Silver Redemption Reserve. In other words, the interest on this Reserve will not be added to the Reserve but will, as at present, accrue as a receipt to Government revenues.

(*e*) Provision will also have to be made for the amortisation of the outstanding "silver debt." At present no provision is made for the amortisation of treasury bills held in the Paper Currency Reserve so that in practice there is no amortisation provision for the debt representing losses on account of silver. The Government of India consider that some provision should be made, but any plan for this must be dealt with as part of the Government's general plan for Sinking Fund provisions on the public debt—a question which must be dealt with separately.

5. It remains to consider how the funds which would accumulate in the Silver Redemption Reserve should be utilised. The considerations affecting this question have been set out in paragraph 3 above. Weighing up the various considerations, the Government of India consider that it would be a reasonable arrangement to allow the Silver Redemption Reserve to accumulate until it reached a total of 10 crores. Any further receipts should not be separately invested but should be taken direct into Treasury balances to reduce the outstanding "silver debt" described in paragraph 4 (*c*), *i. e.*, to be utilised for the reduction of debt either by the redemption of existing debt or the avoidance of new borrowing. A Reserve of 10 crores in external assets would allow for a return of 25 crores of rupees by the Bank to Government, that is to say, the maximum amount which could be returned in five years. This should be adequate for all practical purposes and against locking up funds beyond this reasonable margin must be weighed the consideration mentioned in paragraph 3 (*b*) (*ii*) above.

6. As regards the second recommendation of the London Committee [paragraph 1 *b*)] of this Memorandum, the Government of India do not consider that it would be practicable at present to decide whether and, if so, to what extent the Bank should be provided with external cover in addition to the 50 per cent. indicated in clause 35 of the Bill. It is of course understood that the whole of the Government's gold holding will in any case be handed over. Apart from this, if there should be any margin of other external assets which the Government at the time when the Bank is set up did not consider it necessary to hand over to the Bank and which it would consequently retain for its own purposes, the Government of India provisionally consider that the most suitable alternative method for appropriating any such surplus would be to transfer it as an opening balance to the Silver Redemption Reserve proposed above.

7. As regards the third point in paragraph 25 of the London Report *vide* paragraph 2 of this Memorandum), the Government of India do not consider it necessary to make any specific proposals regarding the utilisation of any hyphothetical profits on the revaluation of gold. Such profits might arise in two ways.

(*a*) There might be sales, in which case there might be a considerable premium representing the difference between the market price and the statutory price as indicated in clause 33 (*4*) of the Bill.

(*b*) When the time comes to adopt a permanent currency standard as contemplated in the preamble to the Reserve Bank Bill, the new valuation as compared with the valuation at the old parity as adopted in clause 33 (*4*) might be such as to show either a paper gain or loss.

8. As regards alternative (*a*) sales are very unlikely, and unless they were for a very large amount, the profit on them would not be sufficient to alter the dividend payable to the share-holders, in which case the whole of the profit on such sales would accrue to Government under clause 44. The Govern-

*This is not really in the true sense a loss. It is the figure which represents the difference between the price of the silver sold as bullion and the face value of the rupees from which the silver was produced. In order to get a true picture of the position there must be balanced against this nominal loss the profits which the Government originally made when the rupees were put into circulation, from which profits *inter alia*, the £40 millions Gold Standard Reserve was built up.

ment of India do not consider it necessary to legislate for this highly hypothetical contingency.

9. As regards alternative (*b*), if there was a revaluation, class 33 *(4)* of the Bill would require amendment, in which case it would be open to the Legislature to make a further amendment of the Bill so as to ensure that the whole of the profits or losses on such revaluation would accrue to or be borne by Government. If there were profits, the actual manner in which any such hypothetical profits would be utilised is a still more hypothetical question on which it appears to the Government of India to be even less necessary to formulate any specific scheme. It is obvious that any such paper gain should not be swallowed up in ordinary revenues but should be devoted to some currency purpose, and this most probably would take the form of an additional fortification of the Silver Redemption Reserve. That, however, is a matter which could be left to be decided at the time.

10. The Government of India therefore do not consider that any provision need be made in the present Bill with respect to these recommendations of the London Committee, but they would suggest that a note might be made in the report, possibly on clause 33 *(4)*, on the lines indicated in the preceding paragraph, regarding the utilisation of any book gain or loss on gold, while they would also be glad to have the views of the Committee on the scheme for a Silver Redemption Fund set out in paragraphs 4 and 5 of this Memorandum.

## MINUTES OF DISSENT.

I am unable to agree with the Joint Committee in the conclusions they have arrived at on clauses 40 and 41. I do not propose to go into the question of the ratio on its merits. It would be futile to do so, since the Act cannot come into force for a considerable period of time after the Bill is passed by the Legislature. In these difficult times he would be a bold man who would attempt to prophesy what will happen in the world even in a few weeks time. How is it then possible to fix to-day what the ratio should be about a year hence ? Many of us have decided views as to what the ratio should be fixed at to-day, but we are not dealing in this Bill with the situation of the immediate present. This is the spirit in which the London Committee dealt with the question, which is clearly shown by the following sentence :—

> " The ratio provisions in the Bill are designed to make it clear that there will not be any change in the *de facto* situation by the mere coming into operation of the Reserve Bank Act."

Do the majority of the Joint Committee want us to believe that the 1*s*. 6*d* ratio is likely to be the *de facto* situation when the Act comes into operation ? In the opinion of many well fitted to judge, there are just as many, if not more, chances of the ratio having to be changed. The retaining in the Bill of 1*s*. 6*d*. ratio under present circumstances is in my opinion not carrying out in the spirit the London agreement. I suggest that the rate should be the *de jure* rate of the day before this Act comes into force.

In clause 43 I suggest that the period of the agreement with the Imperial Bank should be ten years subject to termination on five years' notice given at any time after that period. This will give the Imperial Bank an agreement for fifteen years certain.

COWASJI JEHANGIR (Jr).

*16th November 1933.*

We have signed the Report.

We however regret to note (1) that Madras has been assigned shares to the value of only 70 lakhs and (2) that Madras is to have only one Director on the Central Board. As one of the major Presidencies it is entitled to be provided with more capital and to have two Directors.

S. R. M. ANNAMALAI CHETTY.

G. NARAYANASWAMI CHETTY.

S. M. PADSHAH.

*16th November 1933.*

*Clause 8 (1) (a).*—We find it necessary to dissent from the proposal that it shall be provided in the Act that the Governor of the Reserve Bank must be a man of " tested banking experience covering a period of at least five years." While we fully endorse what has been said in the main report as to the importance of the Governor being a man who can command the confidence of the business community in India, we feel that the qualifications proposed as actually worded will not necessary ensure this result and may prove extremely embarrassing in practice. The qualifications and experience required for the head of a Central Bank are quite different from those which are necessarily acquired in commercial banking, while if experience of the latter is the only qualification, a five-years period would be quite inadequate. The experience of many countries goes to show that men of quite different training have been selected for and proved successful in central banking, and the present heads of the important Central Banks would have been excluded as ineligible under the qualifications proposed by the Committee.

*Clause 33 (2) and clause 37.*—The recommendations made in the main report and embodied in these clauses as regards the holding of gold in the currency reserves are based on

the ideas that gold at present forms the most reliable form of currency reserves, and, that practically the whole of the present stock of gold held by Government ought to be preserved and not dissipated in defending the present sterling standard. While we feel that such ideas have force, and while we recognise the strength of Indian sentiment in this matter, we consider that, so far as statutory provisions are concerned, these should not be so framed as to hamper the discretion of the Bank to utilise its currency reserves in whatever manner may be most effective for maintaining the stability of the currency. In exercising this discretion it would of course be right for the Bank to take account of Indian sentiment, for any disregard of that might react on public confidence the maintenance of which is a vital factor in the security of the position—a factor of perhaps even greater importance than the actual currency reserves. But it is quite a different matter to convert the recognition of these points into a statutory limitation on the Bank's powers. The mere possession of powers even if they may always be kept in reserve is a strengthening factor, and the mere denial of such powers may be a weakening factor. We are prepared, as stated in the main report, to agree to the minimum gold holding being raised to 40 crores as a compromise if thereby agreement can be obtained to a general plan for the constitution of the Bank which is in other respects satisfactory. But we should not, except for this purpose, be prepared to accept this figure which we consider to be an undue limitation on the Bank's discretion, and we must record our dissent from any proposals to go further than this by provisions in clause 37.

GEORGE SCHUSTER.

J. B. TAYLOR.

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We, the undersigned Members of the Joint Committee to which the Reserve Bank of India Bill of 1933 was referred, have considered the Bill and the Report, and wish to append the following minute of dissent on the points on which we are agreed, while reserving ourselves to append individual notes on other points.

*The proposed Bank should be a State Bank.*

During the discussion of the Reserve Bank Bill in 1927-28, the Assembly accepted the principle of a State Bank by passing unanimously section 4 of the Joint Select Committee Bill. This question was again discussed in 1931 by the Central Banking Enquiry Committee ; and it also recommended unanimously that the Bank should be a State Bank. (Pages 418-419 of the Report.) It is now incumbent on the Government to give a convincing reason for going against the unanimous decision of the Assembly and unanimous recommendation of the Banking Enquiry Committee. It is regrettable that even such of those members of the London Committee as were associated either with the Joint Select Committee of 1927, or the Central Banking Enquiry Committee and were thus committed to a State Bank have not chosen to enlighten the public as to the exact reasons for their present preference for a Shareholders Bank. The country was entitled to expect a clear lead from them. In the absence of such a lead, we find that the new proposal is being placed without the supporters of the Shareholders Bank discharging the onus of proof that lies on them for going against a scheme unanimously approved by the Legislature and strongly supported by all sections of Indian public opinion.

The only two arguments which the Government can advance for changing the unanimous finding are—

(1) A Shareholders Bank is the only form of bank which will provide Directors from an electorate free from political influence.

(2) In most countries of the world Central Banks are Shareholders Bank :

We would like to examine closely both these arguments. The experience about the election of Directorate of Companies clearly shows that shareholders as an electorate do not exercise any material influence. The Directors manage to get themselves re-elected. In fact, they form a coterie and keep perpetual power in their own hands. The coterie is formed by the promoters who nominate the first Directors.

" The Directors practically exercise the right of appointing other Directors and they get their action confirmed or passed by the annual general meeting." This was verified by Sir Osborne Smith in the following question and answer* with regard to the Imperial Bank.

*Q.* Do you know of any occasion on which anybody has been elected in a general meeting of a Director without the backdoor influence of nomination first by the Directors ?

*A.* I have no recollection of it.

Secondly, the Reserve Bank deals with problems which cannot be fully dissociated from politics, and it is impossible to remove political considerations. The Bill itself does not attempt to remove the political influence of the Secretary of State. The Bill really

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* *Footnote by the Honourable Sir George Schuster (Chairman).*

These discussions were informal conversations which were only loosly recorded, and circulated in order to refresh the memory of members. They have not been checked by those who took part in the discussions and cannot be regared as accurate records.

GEORGE SCHUSTER.

denies the influence of Indian politicians and affirms the influence of the Secretary of State. The Secretary of State represents politics just as much as the future Indian Minister ; and hence the substitution of one for the other does not secure the freedom from political influence, which is claimed by the Government. In either case the Secretary of State will have determining voice, but in case of Shareholders Bank, he will be immune from the criticisms of the Indian public and of legislature.

As regards the second argument, there are several countries in the world, notably Australia and Sweden, whose Central Banks are State Banks. During the recent economic perturbances the Governments of many countries were forced to assume greater responsibilities in the currency policies of their countries ; and the position of the world is such that no one can safely predict the future trend of monetary policy and the working of the Central Banks. In fact, the theory of Central Banks is in the melting pot ; and the other countries may have to follow America in the Government taking active and effective part in the control of their monetary policy. Consequently, the argument in regard to the example of other countries has not much force until the conditions of the world are settled down and we know the nature and significance of the profound changes that are taking place. Even in England, the Conservative Government are finding it necessary to effect changes in the administration of the Bank of England with a view to allow greater voice for the Treasury.

We now put forward the following considerations as positive and definite arguments in favour of a State Bank :—

(1) It is an admitted fact that the Government is compelled to assume almost entire responsibility in the administration of Central Banks at the time of financial crisis. The Central Bank functions smoothly only during normal times ; for normal working, shareholders are as much unnecessary as the State. It is the Governor of the Bank that counts.

(2) The State Bank will always command greater confidence within a country like India than a Shareholders Bank.

(3) Almost the entire profit made by the Reserve Bank will be derived from the resources and support of the State ; and it is, therefore, desirable that the tax-payers should be benefitted to the fullest possible extent from the profits so derived.

(4) It is an established fact that shareholders do not form a satisfactory electorate. No shareholder residing in *mofassil* would take the trouble of spending money in travelling in order to exercise his right of vote. The use of proxies will be unavoidable ; and election by proxies does not necessarily represent electorate.

(5) In the case of a private bank, there will be no machinary to demand and enforce larger recruitment of Indians in the officers and subordinate grades. It is only in the case of a State Bank that Indianisation as a policy can be effectively enforced, as is evident from our experience of Railway Administration.

We regret that the possibility of establishing a bank on the basis of Stockholders Scheme, which was put forward by Mr. S. Srinivasa Iyengar, the Leader of the Opposition in 1927, and approved by Sir Basil Blackett, the then Finance Member, has not been sufficiently explored. It is a scheme about which Sir Basil said that—

" It is one that appeals to the Government, and that they themselves are prepared to accept. "

In these days of financial uncertainty, this type of Reserve Bank would best suit the country as it could, at any future date, if and when circumstances demand, be easily converted either into Shareholders Bank or State Bank.

The Stockholders' Scheme is appended hereto. We, therefore, recommend that the Reserve Bank should be preferably an out-and-out State Bank on the model of the Joint Select Committee Bill of 1927 or, in the alternative, a bank on the Stockholder plan indicated above.

In case our proposal for a State Bank is not accepted by the legislature, we insist that following modifications are indispensable :—

Not less than three-fourths of the directors or members of the Local Boards should be native Indian subjects of His Majesty.

The external Capital Committee, of which Sir Basil Blackett and Sir Charles Innes were members, accepted unanimously this just principle.

The Reserve Bank should establish its own branch in London, which should hold entirely the foreign balances and reserves of the Government of India. (Honourable Mr. Basu and Mr. Ram Saran Das dissent from this.)

We are of opinion that every shareholder should have one vote for each share with a maximum of 10 votes.

*Reserve.*

In determining the amount of Reserve and especially the nature of external reserve, we should consider three important factors—

1. Paper notes in circulation (amounting to Rs. 1,80 crores.)

2. The silver rupees in circulation, which are really notes printed on silver.

3. Our annual external obligations, which amount roughly to about Rs. 70 crores.

It is difficult to determine exactly the amount of silver rupees in circulation or the exact amount of external obligations; and in view of the fact that the holders of rupees are as much entitled to demand sterling as the holders of the paper notes, and that the external reserve should be large enough to provide for the payment of our external obligations in a year of adverse trade balance, we suggest that the initial external reserve should be 60 per cent. of the liabilities instead of 50 per cent. as suggested in the Bill.

As a result of the Hilton-Young Commission proposals, the External Reserve was to have been Rs. 1,18 crores. Our present suggestion asks for an external reserve valued, at the outset, at Rs. 1,06 crores (with gold stocks valued at old parity, *i. e.*, the same rate as in Hilton-Young Report).

As, in connection with the agreement between the Imperial Bank and the Reserve Bank, it has been agreed that the Imperial Bank should offer internal remittances to the scheduled banks from currency chests free of charge, we suggest that, as a result of this step, the scheduled banks should make inter-branch transfers for their constituents free of charge. In other countries, a cheque of any bank is cashed at any other bank without discount. Facilities of this kind will greatly increase the velocity of money in circulation.

For purposes of branch-banking development and to give impetus thereto, the Reserve Bank should maintain a list of approved banks. These approved banks must be confined to banks registered in India and satisfying certain minimum criteria as regards the capital and Balance-sheet position. Any approved bank opening a branch at a centre where there is no branch of an approved or scheduled bank should be entitled to an interest-free deposit of Rs. 3,00,000 from the Reserve Bank for the first two years, and Rs. 2,00,000 for the next two years.

*Ratio.*

We do not agree with the opinion that the ratio question is outside the province of the Reserve Bank Bill. The Reserve Bill will be responsible for maintaining the exchange within prescribed limits. This responsibility is particularly important in the case of India as she has definite, recurring, large external commitments.

This fact is being fully appreciated in devising the plan for a Reserve Bank for New Zealand. Since England went off gold standard, New Zealand pound has depreciated by 10 per cent. But in planning the scheme of the Reserve Bank, the authorities realised that in view of the Bank having to fulfil the external obligations of the country, the depreciation of 10 per cent. was not enough. It has now been decided to have a further lowering of the ratio by another 10 per cent. In the same way, the ratio is, we are convinced, part and parcel of the proposal to establish the Reserve Bank of India.

In our opinion, the eighteen pence ratio has done great harm to the country. The gravity of the harm done can be realised from the fact that India, which enjoyed, almost uninterruptedly, a favourable balance of trade in merchandise to the extent of about Rs. 80 crores per annum, had only a merchandise surplus of Rs. 3,38 crores in 1932-33.

Out of the normal surplus, India was finding it possible to meet her recurring external obligations and also to import treasure for the requirements of the population. Our foreign commitments are now being met by the export of distress gold. This export cannot continue for long. Unless adequate measures are adopted to restore the favourable balance of trade in merchandise to the level of our foreign commitments, the Reserve Bank will be faced with an embarrassing situation right at the commencement as soon as the exports of gold cease or fall off.

We are definitely of the opinion that in view of the successful way in which countries like New Zealand and Australia have brought about favourable balances of trade by depreciating their currencies, India, too, should lower her ratio before inauguration of the Reserve Bank.

Since September, 1931, pound sterling has been allowed to depreciate to a level which the British Monetary authorities deem suitable in relation to Britain's economic conditions. By linking the rupee to sterling at the same old level, it is assumed that economic conditions are the same in both countries. If this were so, the movements in the Index of wholesale prices in India should correspond to the movements in the Index in the United Kingdom. But actually it is not so. The Index in the of wholesale prices in the United Kingdom has gone up by 3½ points between September 1931 and August 1933. On the other hand, the Index in the case of India has gone down by three points during this period. This disparity of 6½ points is a grave matter and shows conclusively that the rupee is over-valued.

The Government have admitted the extreme importance of raising the prices, but no practical steps have yet been taken to achieve this object. In our opinion, the lowering of the ratio is the necessary first step to achieve this object.

ANNEXURE.

STOCKHOLDERS' SCHEME.

The bank to be a State Bank and the Government to own the whole capital of the Bank.

The Government may issue 5 per cent. Government of India Reserve Bank stock at par in amounts of Rs. 100 and multiples thereof, but not exceeding Rs. 10,000, to an aggregate amount not exceeding the authorised capital of the bank. A register of Reserve Bank stockholders shall be maintained at Bombay, Calcutta, Madras, Rangoon, Lahore, Allahabad, Patna, Nagpore, Shillong and Delhi.

Stockholders shall be registered in a register of the province in which they are domiciled or ordinarily resident, or in which they have their principal place of business at their option, but no stockholder shall be registered in more than one register. Stock shall be registered in amounts of Rs. 100 or multiples thereof and not more than Rs. 10,000.

Stock shall be registered in any one name.

Stockholders domiciled in Coorg shall be registered in Madras ; stockholders domiciled in any of the areas directly administered by the Central Government shall be registered in Delhi.

Stock may not be held in the name of any one who is not domiciled in India or who is not a British subject ordinarily resident in British India, Each stockholder shall have one vote irrespective of his holding.

Stockholders on each register shall elect 60 trustees for Reserve Bank stockholders for the province in which the register is situate, provided that no trustees shall be elected unless there are not less than 1,000 individual stockholders of the register. The 60 persons who receive most votes at an election shall be elected.

Elections shall be held triennially and casual vacancies shall not be filled up.

A trustee shall hold not less than Rs. 1,000 nominal value of stock.

Trustees in each province shall elect one director to the Board of the Bank.

A director shall hold Rs. 10,000 of Reserve Bank stock.

In order that trustees and directors may not have to go into the market and buy up the qualifying amount of stock, the Government shall retain unissued, in the first instance, not less than one crore nominal value of stock for issue to directors and trustees as occasion demands.

Directors and trustees must be qualified to be registered on the register of the province for which they are directors and trustees, respectively.

In addition to elected trustees, any person who is for the time being an elected member of the Council of State or of the Assembly for a constituency in the province shall be a Trustee *ex-officio*.

The Board of the Bank shall consist of one Governor, two Deputy Governors (one not voting), two Directors elected by the Associated Chambers, two Directors elected by the Federation of Indian Chambers, one Director elected by the Provincial Co-operative Banks, two Directors elected by trustees, four Directors nominated by the Governor-General in Council, one Government officer not voting, in all 23 of whom 21 or 22 would be voting.

The Governor and Deputy Governors shall hold office for six years ; Directors nominated by the Governor-General shall be appointed for three years in the first instance and thereafter for five years ; Directors elected by the Chambers of Commerce and by Provincial Co-operative Banks shall be elected for four years in the first instance and thereafter for five years ; the Directors elected by the trustees shall hold office for five years.

It might further be provided that when the time comes for Local Boards, Local Directors together with five members of the Local Board elected by local trustees, shall form a Local Board to which such functions shall be assigned as the Reserve Bank Board may determine.

Preference in allotment to small subscribers.

Stock to be issued provincially, not more than forty lakhs of rupees to be issued in any one province at the outset.

SANT SINGH.
HOSSAIN IMAM.
VIDYA SAGAR PANDYA.
*B. K. BASU.
*NRIPENDRANARAYAN SINHA.
B. DAS.
MATHURA PRASAD MEHROTRA.
RAM SARAN DAS.
GAYA PRASAD SINGH.

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I have signed a note of dissent already, but I like to append this note of mine on a few points.

* I do not agree to the portion of this minute dealing with the question of ratio.

From the very commencement of the deliberations of the Committee it became apparent that the Committee will have to work under a very great handicap. The present Bill was drafted on the report of the Committee on the Indian Reserve Bank, which sat in London under the chairmanship of some person whose name has not been disclosed to us. This report was obviously based upon the recommendations of the Federal Structure Sub-Committee of the First Round Table Conference, where the Secretary of State for India had given the undertaking that "representative Indian opinion will be consulted in the preparation of proposals for the establishment of the Reserve Bank." It is not clear why this Committee sat in London. The "representative Indian opinion" was taken to mean certain nominees of Government in whose selection no chamber of commerce or representative economic interest of India had any voice.

Indians under the present subordinate position have to work under a distinct disadvantage. But this disadvantage was further increased in this Committee when we found that Government of India constituted as it is predominantly British in outlook, was not given the freedom of discussion. This created an atmoshpere of distrust in the Joint Select Committee. Some of us in spite of ourselves had always to be on our guard against the "British Roller." Where intellect and reason should have been directed to discover the solution of the problems that the Reserve Bank scheme demanded, we were ever kept alert to watch India's interest lest this be subordinated to the economic needs of Great Britain. The wires between Delhi and Whitehall were constantly kept busy, and the rod of the Great Moghul hung over the Committee deliberations like the sword of Damocles. The majority report was greatly influenced by the attitude of the Whitehall, and hence its conclusions should be accepted with reserve.

I want to make it perfectly clear that I should not be understood to cast any reflection upon the attitude of the Chairman. The Chairman gave us all the latitude in fully discussing the various problems on their merits. He was very considerate, and sincerely tried to guide us with his expert knowledge and ripe experience. But though his heart was with us, the flesh was working under the same limitations.

After the Bill was referred to the Join Select Committee, on the 5th of October, 1933 Sir Samuel Hoare is reported to have made the following statement before the Parliamentary Select Committee :—

"We are asking the Indian Legislature by its own legislation to carry out arrangements that we say are essential for bringing the constitution into being. Obviously if that arrangement is to take effect it cannot be possible for the Indian Legislature at some future time to alter the conditions without which constitution would not have come into operation without the previous assent."

This statement filled us with some doubts about the desirability of our being a party to this legislation under the conditions indicated by the Secretary of State. Consequently, some members of the Committee drew the attention of the Chairman to this statement and requested him to clear the position. The Chairman promised to do so, and on the 31st October, 1933, he issued the following press *communiqué* :—

"With reference to the reports which had appeared in the press as to the statements made by the Secretary of State to the Joint Select Committee on the question of powers of amendment of any Reserve Bank legislation, the Finance Member made the following explanation to the Joint Select Committee on the Reserve Bank Bill this morning :

There has evidently been some misunderstanding as to the scope of the Secretary of State's answers to Lord Rankeillour which were concerned only with a technical point raised in the course of the discussion on another subject and did not imply any change of view or policy, so far as the Secretary of State was concerned, as to the power of amendment of the Reserve Bank Act by the Indian Legislature subject to the prior consent of the Governor-General. There is no intention under the present proposals that the British Parliament should undertake legislation amending the Reserve Bank Act. According to the White Paper proposals this would be the function of the Indian Legislature subject to the prior approval of the Governor-General. The technical point with which the Secretary of State was concerned arises in the following way.

The Constitution Act will have to contain an Adaptation clause laying down how, when the constitutional changes at the Centre take place, the powers to be exercised by the Governer-General in Council under the Reserve Bank Act will have to be exercised in the new constitution. If the British Government's proposals for the constitution are accepted by the Joint Select Committee and if the Constitution Act in the Adaptation clause were to declare that certain powers exercisable by the Governor-General in Council under the Reserve Bank Act were to be exercised in future by the Governor-General at his discretion, and if in future it were desired by agreement that any particular power or powers thus provided for should be exercised by the Governor-General on the advice of his Ministers and not at his discretion, then legislation giving effect to this would be an amendment of the Constitution Act and not of the Reserve Bank Act and could be undertaken by no other authority than the British Parliament unless the Constitution Act itself provided

for this contingency. The question is now being considered whether such a provision can be included in the Constitution Act, and that is the point of doubt to which the Secretary of State was referring in his replies."

We carefully studied it and were not satisfied with the reply. So twelve members of the Committee handed over the following statement to the Chairman :—

"We have carefully considered the statement that you made on the evidence of the Secretary of State on October 5, 1933. We think it essential and necessary that in future the Indian Legislature should have the right to amend the Reserve Bank Act from time to time as it suits the interests of and conditions in India. We are agreeable to accept the condition that the previous sanction of the Governor-General in Council, which in future constitution should only mean Governor-General with the advice of his Ministers, should be obtained for amending or repealing this Act, but we cannot accept that the Legislature should be handicapped in this matter by being asked to secure the sanction of the Governor-General at his discretion, Secretary of State for India or the British Parliament. We consider this right to be of such a fundamental character as to make the details of the Bill much less important. If the Indian Legislature of the future is denied the right to take such matters into consideration as may be approved of or permitted by the Governor-General on the advice of his Ministers, the Reserve Bank will be fettered in laying down the Currency and Exchange policy of India. Unless the matter is cleared up to our satisfaction, it will be our duty to advise the Legislature not to proceed with the consideration of the Reserve Bank Bill."

No satisfactory reply has been forthcoming since the statement was handed over to the Chairman. The constitutional position has not been clarified, so I will humbly request the House not to proceed with the consideration of the Reserve Bank Bill until and unless the constitutional position is made clear.

*Freedom from olitical Influence.*

The Central Bank is essentially a nation's bank, and hence it must "*sui generis*, it must be as Indian as the Ganges." It follows from this that the proposed bank should be free from all foreign influences. As this bank is to control the currency and credit of the country, it is comprehensible that its working should be kept scrupulously free from all sorts of political influence and particularly from the ever-changing party government, so that any Finance Minister may not be tempted to manipulate the currency to the requirements of an unbalanced budget. The Bill though ostensibly aims at such a safeguard, it does not in fact provide a citadel against political influences. A cursory glance at the various clauses of the Bill reveals that while Indian political influence is done away with, British political influence has been introduced, which is likely to make the Whitehall the controlling factor of the currency policy of the bank; and it is feared that the Bank of England may assume the role of a dictator. The Governor-General in Council, which in future constitution may mean Governor-General at his discretion, has been given power under the Bill to have a final voice in the appointment of the Governor and the two Deputy Governors and in nominating four members to the Central Board. Thus a position of advantage has been secured to the Governor-General, who will in future be in a position to exercise 35 per cent. of votes in the Central Board.

The Governor being the Chairman of the Board will exercise very great power and influence over the deliberations of the Board, and thus practically the political influence of the Governor-General will be felt at every stage of the deliberations of the Central Board. Therefore, to say that the Bill eliminates all sorts of political influence is to say that which will not be the fact. An ill-conceived reserve bank scheme is likely to be a source of very great national harm. If we are unable to keep out all sorts of political influence, the next best alternative is to adopt the scheme of a State bank, so that the legislature should have a watching eye over its working.

*Discrimination.*

During the course of our deliberations the Chairman had drawn the attention of the Committee not to put in anything in the clauses of the Bill which might have the appearance of discriminating against Britishers residing in India. We were reminded of the provisions in the White Paper and the deliberations of the Parliamentary Select Committee regarding discriminatory legislation. I think when some of us demanded that 75 per cent. of the shares of the bank should be held by Indian nationals and that the Central Board should have the same percentage of Indian directorate, we were not in any way enacting anything which may be called discriminatory legislation. It was a simple case of what in another sphere of legislation under executive action is known as Indianisation. It is hardly possible in India even at this stage of development to enact any discriminatory legislation against Great Britain. The proclamation of Queen Victoria of 1858 was not a proclamation embodying any discrimination against Britisher, but rather it was an announcement that thenceforward no discrimination would be used against Indians in securing higher jobs in Government services, though we know that the provisions of that proclamation have not yet been given effect to.

though India has always been till to-day trying to get out of the discriminatory attitude of the British bureaucracy in India. If we now provide safeguards in our banking legislation that is to vitally affect the economic interests of this country, we only do so, so that like the Central Banks of all other countries, the Indian Central Bank may be predominantly Indian in outlook, in its constitution and in its working.

SANT SINGH.

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Besides the other notes of dissent which I have signed with other members I wish to note a few more points in which I disagree with the majority of my colleagues. I further reserve to myself the right to move amendments to the Bill on points which are of minor nature and which are not noted below.

1. Should the shareholders scheme get the approval of the House I would suggest some amendments as an alternative to the scheme of 75 per cent. reservation for the Nationals. I advocate the division of the capital into equal parts of Class A and B share ; A to consist of hundred rupee shares and reserve for Indian subjects of His Majesty, Class B to be available to all those mentioned in sub-clause 3 of clause 4 and the shares being of rupees 500 each, Holders of two shares having one vote with a maximum of ten votes to each person. I have suggested the above scheme to meet the demand of market ability and full sale ability of the shares which was greatly stressed in the Committee.

2. The suggestion in our report on clause 8 that the Governor-General should exercise his powers of nomination to get representation of co-operative banking interest does not satisfy me, I would rather recommend a system by which the apex banks would select a panel of three names and then submit it to the Governor-General in Council who would nominate one of the three to the Central Board of the Bank.

3. The powers vested by sub-clause 14 of clause 17 in the Bank to borrow money in India is an innovation upon central banking practice and in effect an inconceivable state of affair. The Bank can under no circumstances require money to sustain the credit from outside at a moment when they wish to operate. They can recall loan, sell securities, or transfer assets to the Issue Department and thereby get back any redundant money that might be in circulation. Therefore borrowing power should be confined to places outside India.

4. Though we have accepted 40 crores of gold holding on old parity, I strongly object to the exclusion of sterling securities from the list of the approved securities of Issue Department. The advantage accruing from market operation in securities in reducing the rate of interest payable on Government accommodation is well known. We have to borrow money in London so often that it is desirable that our credit in London should be sustained. If the disastrous experience of six months before, when Government after successfully floating a loan of 3½ per cent. in India had to borrow within ten days money in London at 4 per cent., is to be guarded against and not repeated, it is essential that the Bank should deal in sterling securities. While not insisting upon their inclusion in the external assets my proposal to include them in the internal assets was also turned down. It is a cold comfort to think that the bank can in Central Banking Department operate in this line of business. The practice of central banking is to keep the greater part of their holdings in interchangeable securities, therefore in effect this provision will be more or less a dead letter. I am therefore left with no alternative but to suggest that the whole of the surplus profits dealt with in section 44 should be handed over to the Governor-General in Council in the form of terminable sterling Indian loans for cancellation.

5. If lower ratio is not acceptable to the Government under clauses 40 and 41 I advocate the omission of these two clauses, and thereby emphasise the temporary nature of the provision as brought out in the preamble. It will be a return to the position in which we were before 1927, when Government was under no legal obligation to buy or sell exchange at any given figure. Maintenance of 18*d*. ratio will be too great a strain for the Bank, and with the first adverse or inadequate trade balance its resources will be crippled, and it may even prove unable to maintain the ratio. Its failure, on the other hand, is bound to retard constitutional reform, therefore it is not advisable to subject it to the unbearable strain of maintaining the exchange.

6. In regard to the provisions of section 42 regarding the inclusion in list of schedule banks of only those concerns which have five lakhs of capital and reserves, is in my opinion unscientific. The Reserve Bank should take into account the deposits as well, as the compulsory deposit in the Bank is dependent upon schedule bank's liabilities to the public. The result of the present system is to give facilities to Mysore Industrial Bank of Bangalore with a total deposit of forty-three thousand and refuse its facilities to Bhawanipore Bank of Calcutta which has a deposit of more than thirty-two lakhs, I therefore advocate an additional qualification in sub-clause 6 to include all those banks who have a deposit account of more than ten lakhs in their hands.

7. In clause 53 I wish to so amend the Indian Coinage Act as to make rupee coins legal tender up to Rs. 100 only, and

thereby popularise notes, and incidentally help the return of rupee coins to the Issue Department. It might further reduce the popularity of rupee and thereby help us in the long run to establish a sounder basis for the currency.

HOSSAIN IMAM.

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We, the undersigned members of Joint Select Committee, to which the Reserve Bank of India Bill of 1933 was referred, beg to append the following Minute of Dissent to the Report that we have signed.

In our opinion the provision in clause 42 of the Bill to the effect that the Scheduled Banks should deposit 5 per cent. and 2 per cent. of their demand and time liabilities respectively should not be made by an enactment of the Legislature, but should be left to the convention that would grow up between the Reserve Bank and the member banks after the Reserve Bank is established and working. We desire to point out that the banks in India do not control the monetary position of the people and the country, and that such deposits will tend to lower the dividends of Indian Banks and create other difficulties between such banks and their constituents without attaining the object for which the deposits are designed.

Since it has now been decided by the Committee that the Reserve Bank should take steps at the earliest practicable date and in any case within three years of its establishment to bring the indigenous bankers into the Reserve Banking system, we consider that only after the indigenous bankers have been linked up with the Reserve Bank, the question of compulsory deposits from the Scheduled Banks should be properly and usefully taken up for consideration.

B. K. BASU.

NRIPENDRANARAYAN SINHA.

VIDYA SAGAR PANDYA.

MATHURA PRASAD MEHROTRA.

RAM SARAN DAS.

MOHD. AZHAR ALI.

The November 17, 1933.

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We must also give pointed expression to the strong and widespread feeling in the country as regards the most important constitutional issue affecting this Bill, we mean that "Legislation which affects the coinage and currency of the Federation, or the powers and duties of the Federal Reserve Bank in relation to management of currency and banking" can be undertaken by the Indian Legislature only with the consent of the Governor-General "given at his discretion", which means, as laid down in the White Paper "under the directions of one of His Majesty's Principal Secretaries of State." This will imply under the direction of the British Cabinet, who will be naturally dominated by the London City or other foreign interests and influences. We are, therefore, of opinion that if this provision in the White Paper will not be modified, it will not confer even the shadow of financial autonomy with the establishment of the Federation. When we bear in mind that the life of the Bill will run almost a generation we cannot but hold that an institution which will have at its inception such obvious limitations will hardly "ensure confidence in the management of India's credit and currency," for the institution will fail to work *in* India, *for* India, and *by* Indians. In the event of no satisfactory assurance being forthcoming, we have no other option than to recommend to the Legislature to insist that the Bill be not proceeded with.

NRIPENDRANARAYAN SINHA.

H. IMAM.

VIDYA SAGAR PANDYA.

B. DAS.

MATHURA PRASAD MEHROTRA.

GAYA PRASAD SINGH.

RAM SARAN DAS.

The November 17, 1933.

In the other joint minutes of dissent we have set down the major points of disagreement with the majority report. We have touched here other points that we deem it our duty to bring to the notice of the Assembly.

I. In omitting provision of definition of "sterling standard countries" in section 2 (*d*) the Committee was influenced by the pressure of public opinion. The dream of London financiers to create "sterling standard countries" since England and a few other countries went off the gold standard in September, 1931, has ended in smoke, and in spite of Indian Currency being tied down to the chariot wheel of sterling under compulsion, India is in no mood to accept a paper sterling standard. Further, owing to discriminating policies adopted against India and Indians by most of the British Dominons, India has no desire to help those Dominions directly or indirectly in their financial credit, and throughout the Bill every attempt has been made to compel the Reserve Bank to deal in sterling securities of the United Kingdom.

Similarly, section 4 (*c*) has been redrafted to exclude citizens of any British Dominion which discriminates against Indians to hold shares of the Reserve Bank. It ought to be provided that the Governor-General in Council should notify in the *Gazette of*

Sec. 4(c). *India* along with the publication of the Reserve Bank Act, the names of such Dominions that must be excluded. South Africa is the greatest sinner in this respect. Next comes Canada. We suggest that the Government of India should appoint a small committee to enquire if Australia and New Zealand can really be given equal facilities along with the citizens of the United Kingdom. We should prefer for the sake of national self-respect of India the Reserve Bank should not hold as assets of the Issue Department stocks or securities of such Dominions. Sec. 33.

II. Our colleagues signing the majority report place sublime faith *in the desirability of distributing the shares and the voting rights attached to them as widely as possible.* Yet in the same breath, they disqualify and sterilize votes of so many shareholders by providing one vote for a holder of 5 shares of Rs. 100 each which means that all shareholders holding 1 to 4 shares will have no voting power. The most democratic provision should be "one share, one vote" and "one person, one vote." Our colleagues have been more anxious for the conveniences of would-be-directors than widening the franchise. Sec. 4(6). Sec. 9(2).

Sec. 8 (1A) & (2). III. The Joint Committee Report of 1927 provided for one Governor and one Deputy Governor and specified in the body of the Bill that " one of these two shall be an Indian." At that time it was given out that the first Deputy Governor would be an Indian who would become full-fledged Governor after five years.

We dissent from the change agreed to by our colleagues that there should be two Deputy Governors from the beginning. No reasons have been adduced that work will be too heavy for one Deputy Governor. In 1927 there was a talk of an Indian Assistant Deputy Governor. We are of opinion that there should be only one Deputy Governor for the present, and that he should be an Indian sufficiently young to become Governor after five years. There should be no camouflage of appointment of a superannuated Indian as Deputy Governor for there would then be no chance of that Indian becoming a Governor.

We further wish to record here the strong public feeling against any I. C. S. being appointed Governor or Deputy Governor of the Reserve Bank. The frenzied financial policy of civilian Finance Members should serve as a grave warning against their inclusion.

Sec.17(3a). IV. The omission of the word " persons " after the words " scheduled banks " is fraught with serious consequences. We believe there are certain firms on the approved list of the Government of India to-day—such as Rallis, Volkarts, etc.—who buy and sell sterling at better rates to Government. Not only there is no loss in rates, but this practice has had a wholesome check on the Exchange Bank who will be debarred from combining to put the rates high. Section 18 has been amended to give power of direct discount to the Bank when special occasion needs it. We wish to ensure to the bank this facility of dealing with other " persons " in normal times. Too much attention has been paid to the vested interests of London Stock Brokers and Exchange Banks, and we strongly urge that the Legislature will rectify this omission. Sec. 18.

V. How far Indian States are entitled to consideration from the Reserve Bank depends entirely on the sound financial position of individual States. We think it would be a grave risk if political considerations entitle some States such facilities. Knowing as we do the instability of life and property in some of these States, we doubt if the States would be prepared to disclose to the authorities of the Reserve Bank their real financial position. We urge that the Reserve Bank should not work as financial agents of any State that does not manage its public finance on sound principles and that does not possess a sound constitutional administration. Sec. 17(2E).

VI. Our recommendations for the offer of free remittance facilities to the Scheduled banks should be incorporated in the Regulations of the Reserve Bank and should also form one of the clauses in the agreement of the Reserve Bank with the Imperial Bank.

VII. The proviso in clause 37 is a makeshift compromise which gives us little solace. We have to point out that our apprehensions are based on the fact that as the present ratio must be maintained by the Reserve Bank the assets of the Issue Department will be frittered away to keep up the forced ratio of 18*d*. Sec. 33 & 37.

This point was stongly brought out in the course of evidence before us and the following extracts* give in a nutshell what the country fears.

"*Sir Purushotamdas Thakurdas :* In any stress or emergency is it intended that if gold is reduced in proportion the following penalty laid down in the section comes in? It does not mean parting with gold.

*Chairman (Sir George Schuster) :* It might mean parting with gold if you go down below 25 per cent. of your resources. If you go down to 20 per cent., you have to part with some of your gold. * * *

*Sir Purushotamdas Thakurdas :* If the Committee decided to fix a figure as the minimum, whether it is 35 or 40, then at any rate that part of the gold cannot be touched.

**Footnote by the Honourable Sir George Schuster (Chairman) :*

These discussions were informal conversations which were only loosely recorded, and circulated in order to refresh the memory of members. They have not been checked by those who took part in the discussions and cannot be regarded as accurate records.

GEORGE SCHUSTER.

*Chairman :* If it really cannot be touched, we have always said it might just as well be at the bottom of the sea. As a matter of fact you might remember that you yourself said in London that obviously if a crisis should occur, then it would require parting with gold. . . . . . . .

* * * *

*Mr. Hossain Imam :* It should be touched as a last resort after exhausting all other sources.

*Sir Cowasji Jehangir :* We desire to have a provision that whatever minimum may be put down, it shall not be touched until all other resources are exhausted.

*Chairman :* If it is never to be touched, it might never be there at all. It may be necessary to use it in the last resort and then to make it up again. . . . . .

* * * *

*Sir Purushotamdas Thakurdas :* Is it the intention that in order to maintain the ratio it will be permissible to the Reserve Bank to part with its gold ?

*Mr. Hossain Imam :* Yes.

*Sir Purushotamdas Thakurdas :* Then that is one thing against which I want protection. I think until the bank has proved its merit people would rather sit on their gold.

*Chairman :* But it would be an absurd position to say that once you put gold into the reserves it should never be taken out. * * * I entirely agree as a matter of fact with Sir Purushotamdas that a point would arise at which it would be obviously useless to continue the fight and it would be much better to preserve your resources, so that you have got something with which to start ; but if you tie your hands absolutely, if you give yourself no latitude, if you lay down in the Act that under no conceivable circumstances can that particular portion be touched, then you cannot even use it as a basis perhaps for arranging credits, which might help you to carry on."

Our considered views are that the minimum gold reserve of 40 crores should never be touched. The proviso in Sec. 37 *(1)* only strengthens our fears that a shareholders' bank with an irresponsible Central Board and an autocratic Governor (who will not be an Indian from the beginning) is not the right machinery to establish the credit of India in its best interests.

9(A)(2). VIII. The right remedy lies in the early revision of the ratio. The Indian members of the London Committee shirked this part of their responsibility, when they stated in the course of their London Report,—

> " A considerable majority of the Indian Delegates feel it their duty to record their view that a suitable exchange ratio is one of the essential factors for the successful working of the Reserve Bank. They point out that considerable changes have occurred in the currency basis and policies of almost all the countries of the world in the last few years. In their view it is for the Government of India and the Legislature to examine these and all the other relevant considerations with a few to ensuring that the minimum possible strain is placed on the currency system of India. "

The majority report gives some reasons for maintenance of the present ratio at 18*d*. The new clause 49A (2) provides that the Bank (which for this purpose will mean the Central Board) when " it is of opinion that international monetary position has become sufficiently clear and stable to make it possible to determine what will be suitable as a permanent basis for the Indian monetary system and to frame permanent measures for a monetary standard, it shall report its views to the Governor-General in Council. " This does not meet the demand of the public which is for immediate alteration of the ratio. The public therefore expects the Central Board to do its duty to the country with the least possible delay, so that the Government will be compelled to take necessary measures for establishing a really suitable ratio and a permanent monetary standard.

VIDYA SAGAR PANDYA.
B. DAS.

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In addition to the joint note of dissent with my other colleagues I regret I cannot see eye to eye on the following points incorporated in the Bills :—

(1) The Act shall remain in force for 25 years and the Legislature will have no power to amend it as members will have to seek permission of the Governor-General in Council and the Secretary of State before introducing any amendments and such permission will never be given if it is inconvenient to them [clause 1 (4)]. I must, therefore, insist on the Legislature retaining power to make alterations on its own initiative.

(2) There ought to be a limit of Rs. 25,000 the maximum holding of shares by a single shareholder. In case it is not done the capitalists who have tons of money and are now prepared to invest at about 4 per cent. will purchase shares for large amounts. They will thus sterilize votes and deprive the agriculturists and middle classes of having any hand in the Bank. This will defeat the very object and the Bank will soon pass into

the hands of capitalists. Moreover they will encourage and induce market manipulation so as to enable them to reap large profits by premiums thereby brought about. (Clause 4.)

(3) Instead of five centres there ought to be seven centres at places where currency offices are located at present, namely, Bombay, Calcutta, Madras, Rangoon, Lahore, Cawnpore and Karachi. India is a vast country, and hence the analogy of the central banks of other countries does not fit in. Besides there are countries which have got regional branches, and it makes little difference if the number is increased from five to seven to serve the agriculturist and industrial portions of Northern India. Besides the change will not incur any additional expenses too, rather it may prove to be cheaper in the long run. These currency offices will have to be maintained under the present scheme and so, with a little addition and alteration in the staff, can be easily converted into Reserve Bank centres. Moreover as these are business centres they will save a lot from the amount which will have to be paid in commission to the Imperial Bank. No expenditure will have to be incurred in the construction of strong rooms and buildings as well. (Clause 6.)

(4) The appointment of Governor and Deputy Governors should be made by the Governor-General in Council for a panel of six men recommended by the directors of the Central Board and out of these three posts, at least two should be held by the natives of India. [Clause 8 (*a*)].

(5) Out of the four directors nominated by the Governor-General in Council at least two should definitely represent the agricultural and co-operative interest. India being an agricultural country, must have adequate representation from that class. [Clause 8 (*b*)].

(6) There should be ten instead of five elected members on Local Boards to give adequate representation of different interests specially because they will form an electoral College to elect directors of the Central Board. [Clause 9 (*Ia*)].

(7) Sub-clause (*4*) of clause 11 should be omitted. The object of disqualifying members of the Central and Provincial Legislatures is only to avoid political influence from the Bank. But if the Secretary of State and his representative the Governor-General comes in places more than the number of the clauses of the Bill, the very object for which this sub-clause was inserted is defeated. Surely he is the head of the biggest political party. Besides under the new reforms number of the members of the Local and Central Legislatures will be more than doubled and so we shall be depriving our best men from one of the two places. The directorship of the Reserve Bank is an engagement for about 10 or 12 days in a year which can be very easily afforded by members of Legislatures.

(8) The directors should elect their own chairman to preside in meetings instead of the Governor or Deputy Governor who are merely executive heads to carry out their decisions. This practice is prevailing in the Imperial Bank of India, and there is no reason to depart from it. [Clause 13 (2)].

(9) The Governor-General in Council should appoint a committee of three or five persons in the first instance to issue shares, make allotments of shares and carry out elections of Local and Central Boards, and the day the Boards are completely elected, they should retire automatically. If the whole Board is nominated in the first instance, there is every danger of these persons forming a coterie and getting themselves re-elected. [Clause 15 (4)].

(10) The words "or a provincial co-operative Bank" should be inserted after "schedule banks" in sub-clauses 1 (*a*) and (*b*) of clause 17 to enable them to get equal advantages of purchasing, selling and rediscounting bills and promissory notes which the schedule banks shall derive. The words "or loans and advances" be also inserted after "cash credit" in 4 (*e*) of the same clause to give this facility to co-operative institutions.

(11) *Agreement with the Imperial Bank of India.*

The terms offerred to the Imperial Bank are very much on the side of generosity which it has not justified by its deeds and are practically the same as were offered in 1927-28 Bills in spite of the fact that it, since then, has taken advantage of the progress and expansion of five years more. It has totally refused to make advances on immoveable properties and has failed hopelessly to satisfy public expectations in the way of developing a bill market in India ; it has not provided adequate finance to industry and agriculture ; it has practically withdrawn its facilities to the co-operative institutions and failed to develop banking capital in the country. India is an agricultural country, and it was but proper to expect that a quasi-government bank which had all their resources at its diposal, will do its best to render every possible help. In support of this argument I shall quote two sentences from the Central Banking Enquiry Committee Report (page 143) :—

> "The policy of the Imperial Bank of India in regard to the grant of financial assistance to some of the provincial and central co-operative bank seems of late to have undergone a definite change, and it is stated that it shows today a much smaller measure of readiness to help them than it used to do in the past. We consider

that free remittances of funds for co-operative purposes is of the utmost importance to the co-operative movement, and that no attempt should be made to curtail the privileges under the rules of the Government of India in this matter."

The payment of compensation to the Imperial Bank for "disappointed expectations" was made out by the London Committee. The claim is unprecedented in the banking history of the world and is preposterous. The agreement with the Government under which it opened 100 branches was made for ten years only and expired in 1931. It has hence not only exceeded the time of agreement by two years but established its first position in India owing to the Government backing and the enormous balances held free of interest.

In my opinion, the future agreement should be made on the following conditions if it is to act as sole agent of the Reserve Bank —

1. The period of agreement is to be fixed for 10 years according to to 1920 agreement.

2. It should get a commission of 1/16th of one per cent. on the first Rs. 100 crores and 1/32 of one per cent. on the remainder.

3. (*a*) During the first two years from that time it shall have one crore free of interest and 2 crores at 2 per cent.

   (*b*) During the second two years it shall have 50 lakhs free of interest and 2 crores at 2 per cent.

   (*c*) During next two years, it can have Rs. 3 crores at 2 per cent.

   (*d*) In subsequent years Rs. 3 crores at a rate of interest settled by the Reserve Bank.

MATHURA PRASAD MEHROTRA.

The 18th November 1933.

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I have signed the Report of the Joint Select Committee appointed to consider the Reserve Bank of India Bill, 1933, subject to the following minute :—

It is unfortunate, but it cannot be denied, that, so far as the Muslim community is concerned, it cannot, in the existing conditions in India, rest content, with safety, on mere assurances on the protection of its interest in securing for its due weightage in public institutions such as the Reserve Bank. In the circumstances, while the introduction of communal, or racial, controversy in the measure making for the establishment of the Reserve Bank is reprehensible, I shall not be doing my duty as a Muslim representative from Bengal if I do not express a desire to see some provision made in the measure for ensuring that the Muslim community should be given adequate representatation in the Central and Local Boards. This reservation would not have been necessary, but discussions affecting the appointments of the Governor and two Deputy Governors have led to an assurance from the official members that provision will be made for securing one of the three appointments for a qualified Indian. Muslims would, therefore, naturally desire to be afforded an opportunity of proving their capacity for holding one of these appointments, which will be earmarked for Indians, in rotation with members of other communities in India. Keeping in view the economic condition of Muslims, it is also desirable that there should be a definite provision in the Reserve Bank Act ensuring to them representation, as has been done in the case of agriculturists, in Central and Local Boards. This is essential if the Muslim community is not to be economically isolated.

I am also opposed to the imposition of such restrictive qualifications on the appointment of the Governor as in section 8 (1-A). To confine the appointment of those with "tested banking experience covering a period of not less than five years" would exclude many who, without actual banking experience, might have unquestioned and authoritative position in the world of commerce. Steps should be taken to see that men of acknowledged authority as financiers are not excluded from holding office as Governor simply because they have not served in a Bank for five years.

In regard to the ratio question, I, in common with the other signatories of the Report, accept the assurance that it is not the intention of the Bill to raise the ratio issue. At the same time I think it will serve a useful purpose, if I record it as my firm conviction that it is necessary that the Government should take steps to review the entire policy affecting the currency system in India, with a view to prevent the violent changes that have been taking place from time to time in the currency system of the country. This is not the time to create any monetary upheaval in the rupee-sterling sphere, but it is in the highest desirable that, as soon as monetary conditions in the world show signs of stability, an exhaustive inquiry should be instituted for establishing India's currency on a sound basis in relation to sterling.

MAHMOOD SUHRAWARDY.

NEW DELHI :

The 18th November, 1933.

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At the very outset we desire to make it clear that it is absolutely essential, for acceptance of this Bill, that Governor-General in Council shall mean only Governor-General

as advised by member in charge of Finance. It has been generally agreed that the Reserve Bank should be free from all political influence, both in India and England, and if the power is left in the hands of the 'Governor-General at his discretion' that will mean only his being dictated by the Secretary of State for India who will primarily be guided by the interests of the city of London. We have not received any assurrance from the Government till the signing of the report that they accept the above interpretation about which we made a representation to the Chairman of the Joint Committee. Unless the assurance is forthcoming in the House we recommended the Bill should not be proceeded with.

*State vs. Shareholders' Bank.*—Indian public opinion for various reasons demand a state bank, and it is difficult to realise why the Government is so much against the idea of a state bank when they themselves accepted this very principle of a state bank in 1927. The main object of the Indian Reserve Bank should be the control and management of the currency and credit of India to the best interest of the country. Almost all the essential powers have been centralised in the hands of the Governor-General in Council in the present Bill. The present scheme of a shareholders' bank as embodied in this Bill does not achieve its main object unless the possibility of the domination by the Secretary of State is entirely removed. The main objection, so far advanced, to a state bank is the difficulty of securing a proper Board of Directors, who would be free from political influence. Certainly, the obstacle is not insurmountable. Government can easily ensure the independence of such a board, as they do in the case of the highest judiciary in the land. The Government's own attempt to reorganise the Railway Board making it free from political interference, is a proof positive that they can do the same thing in the case of a State bank, if they so desire. If after their appointment, the directors are kept free to act in the best interest of the country, we see no reason whatsoever why a state bank should not be feasible and practicable. For all these reasons we definitely come to the conclusion that, to serve the best interest of the country, the proposed Reserve Bank should be a State bank, and we, therefore, recommend for its acceptance.

*Control by natural born Indians.*—We fully realise that there is a very strong public feeling in the country that the shares of the Reserve Bank and its control should remain in the hands of the natural born Indians. We agree with that view and we believe that the purpose has been attained by the provisions of the amended Bill. In order to ensure that object we further recommend that Government should carefully watch the situation so that the expectations may not be frustrated.

*Limitation of holding of shares.*—We prefer to fix a maximum limit for holding of shares of the Reserve Bank at rupees twenty thousand, with a view to prevent concentration of shares and thereby avoid domination by a powerful few.

*London Branch.*—It is our decided opinion that the Reserve Bank must have a branch in London from the beginning to keep it free from the domination of the Bank of England and also to provide facilities for training of Indians in international money market. Besides, India, unlike other countries, stands on a different footing, inasmuch as she has to meet enormous payments in the shape of Home charges.

*Branches in India.*—On the question of starting of branches in Lahore, Karachi and Cawnpore we keep an open mind and do not wish to say anything except mentioning that there are at present currency offices in all these centres involving a large amount of expenditure and that official members of the Committee also agreed that Reserve Bank branches, if opened in these centres, may not entail a great additional expenditure.

*Exchange Ratio.*—We have decided views on the present exchange ratio that it is not in the best interest of India, we are, therefore, unable to accept fixation of any ratio by Statute. We would, therefore, prefer it to be left to be settled on the report of an Expert Committee and which should subsequently be confirmed by Legislature.

*Period of Agreement with Imperial Bank.*—The period of agreement with the Imperial Bank, in our opinion, should be 10 years, instead of 15 years, subject to termination on 5 years' notice given any time after that period, thus providing the Imperial Bank with an agreement of 15 years certain. We recommend that the terms of agreement with the Imperial Bank should be further scrutinised before being finally accepted by the House.

*Buying up Shares by Government.*—We are also of opinion that Government should have the right to buy up all shares of the Reserve Bank after reasonable lapse of time.

There are certain other minor details which we do not like to refer in this Note, but which we will be at liberty to bring before the Assembly.

BHUPUT SING.

MOHD. AZHAR ALI.

S. C. MITRA.

*Chapter II, clause 4 (2 & 5).*—The Reserve Bank should have a branch and a separate register of shareholders in Lahore also. The areas mentioned in 5 (c) should be so split up that the whole of the Punjab, N.-W. F. P., Baluchistan, Jammu and Kashmir, and the Punjab States are attached to

this centre. The great importance of Lahore from the banking point of view may be gathered from the following facts :—

(*a*) That the centre of the Manager, Northern India branches of the Imperial Bank of India, has been shifted from Delhi to Lahore.

(*b*) There are in Lahore a large number of Indian and exchange banks and the Head Office of more than one important bank.

(*c*) The indigenous Banks in the Punjab including the Co-operative Banks control resources of nearly 20 crores.

(*d*) The Co-operative movement in the Punjab is particularly strongly developed, and there is an extensive ramification of financially sound Co-operative Central Banks.

(*e*) The Punjab, being an important agricultural province, where stocking of wheat, cotton and oilseeds is widely practised, may need extensive facilities from the Reserve Bank as contemplated in section 17.

(*f*) The close proximity (32 miles) of Amritsar—a very important commercial centre in Northern India where investment against stock as well as foreign exchange business is carried on an extensive scale,—is a further argument in favour of establishment of a Branch of the Reserve Bank at Lahore. The establishment of a Branch of the Reserve Bank in such an area would inspire confidence and give an assurance to the Banks and the commercial community in this part of the country that the Reserve Bank is something real and not a phantom institution functioning through the Imperial Bank. Moreover, rediscount facilities to be really effective must be obtainable at the door. If an office of the Reserve Bank is not established in the Punjab the impression will go abroad among the Punjab Banks that the Reserve Bank was an institution that had given them absolutely nothing in return for compulsory deposits. The additional cost on account of a branch in Lahore will be inconsiderable. The currency office, now located in Lahore, would no longer be required, and this means that what is now spent on the currency office will be set free for the Reserve Bank branch. Moreover, I understood the Honourable Mr. Taylor to say that the amount payable to the Imperial Bank on the basis of 1/16 on turnover would be roughly Rs. 1 lakh for Lahore. The opening of a branch of the Reserve Bank there is likely to result in a saving. For a centre so important as Lahore where a branch would not mean any heavy additional cost, the mere agency of the Reserve Bank would not suffice. A Branch is essential. The same arguments apply to opening of a branch at Cawnpore and at Karachi.

RAM SARAN DAS.

18th November, 1933.

*Ratio.*—Clauses 40 and 41, I feel, should be amended as follows :—

> *Delete* in clauses 40 and 41 words after " at a rate " down to " rupee ". *Substitute* " at a rate to be fixed by the Governor-General in Council subject to approval of the Central Legislature before the ratio comes into force. "

My contention is that the causes which prevented the London Committee from committing the Reserve Bank to any particular limits of exchange either in terms of Gold or Sterling, are operative even to-day. The Economic situation in the world at large is in fact definitely worse than it was prior and subsequent to the World Economic Conference, the period in which the London Committee sat for its deliberations. " The monetary disorganisation throughout the world has been on the increase ; and there is no immediate prospect of ' monetary system ' being recast or stabilised. " Some of us then hoped that world forces, then working, would have brought about the stabilisation of currencies by the time the Reserve Bank Bill was introduced in India. But if our hopes have been belied, it all the more shows that the world economic situation does not justify binding the Reserve Bank to any higher and lower limits of ratio so far ahead of its commencing business. If the proposed limits are the most feasible when the Reserve Bank is about to commence business, the Governor-General in Council will have no difficulty in fixing it and in securing its confirmation by the Central Legislature. On the other hand, if conditions are otherwise, the Central Legislature will not have fettered itself, and the Reserve Bank so far ahead to the maintenance of what to all intents and purposes must seem fictitious and more or less speculative rates. My amendment, if accepted, therefore makes the position much easier for the Government, and is likely to remove many of the genuine doubts and suspicions of the people.

RAM SARAN DAS.

18th November, 1933.

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In the majority Report on section 42 (*c*) the Central Board is asked to prepare, within three years, proposals for the closer linking of agricultural enterprise with the machinery of the Reserve Bank. It seems to me that the significance of this principle must be widened and further emphasised. The Central Banking Enquiry Committee have made various suggestions for the expansion of our banking system so as to meet and cater to the needs of industry and agriculture ; and the committee have indicated that the Reserve Bank should be the core and centre of the banking system and should take a lead in the reforms and measures necessary

for expansion. Industry in India is in need of urgent and imperative help if this country is to make any progress and is to find a solution for the menacing unemployment problem. Agriculture is in a sorry plight and also needs immediate assistance. It should, therefore, be laid down that the Reserve Bank should, on the basis of the Banking Enquiry recommendations, put forward within three years, definite proposals for adequate facilities being made available for industry as well as agriculture.

It is agreed that the citizens of such Dominions as do maintain any measure of discrimination against Indians should not be allowed equal privileges in India. I maintain that the power to decline allotment or transfers to the Nationals of such Dominions must rest in the Central Board and that the resting of such power in any other authority will be depriving the Central Board of its legitimate authority and power.

RAM SARAN DAS.

18th November 1933.

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L. A. BILL NO. 41 OF 1933.

[AS AMENDED BY THE JOINT COMMITTEE.]

**[Words printed in italics indicate the amendments suggested by the Committee.]**

*(Where the numbering or lettering of the Bill has been changed the former numbers or letters are indicated in the right hand margin.)*

# THE RESERVE BANK OF INDIA BILL, 1933.

## CONTENTS.

CHAPTER I.

PRELIMINARY.

CLAUSES—



CHAPTER II.

INCORPORATION, SHARE CAPITAL, MANAGEMENT AND BUSINESS.



CHAPTER III.

CENTRAL BANKING FUNCTIONS.



CHAPTER IV.

GENERAL PROVISIONS.

*A Bill to constitute a Reserve Bank of India.*

WHEREAS it is expedient to constitute a Reserve Bank for India to regulate the issue of bank notes and the keeping of reserves with a view to securing monetary stability in British India and generally to *operate the currency and credit system of the country to its advantage.*

AND WHEREAS in the present disorganisation of the monetary systems of the world it is not possible to determine what will be suitable as a permanent basis for the Indian monetary system ;

BUT WHEREAS it is expedient to make temporary provision on the basis of the existing monetary systems, and to leave the question of the monetary standard best suited to India to be considered when the international monetary position has become sufficiently clear and stable to make it possible to frame permanent measures ;

It is hereby enacted as follows :—

## CHAPTER I.

### PRELIMINARY.

Short title extent, commencement and duration.

**1.** (*1*) This Act may be called the Reserve Bank of India Act, 1933.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) This section shall come into force at once, and the remaining provisions of this Act shall come into force on such date or dates as the Governor General in Council may, by notification in the Gazette of India, appoint.

(*4*) *This Act* shall remain in force for a period of twenty-five years and thereafter until repealed.

Definitions.

**2.** In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " the Bank " means the Reserve Bank of India constituted by this Act :

* * * * * *

(e) (*b*) " the Central Board " means the Central Board of Directors of the Bank ;

* * * * * *

(*c*) "provincial co-operative bank" means *the principal* society *in a province* which is registered or deemed to be registered under the Co-operative Societies Act, 1912, or any other law for the time being in force in British India relating to co-operative societies and the *primary* object of which is the financing of the other societies in *the* province which are or are deemed to be so registered : (e) II of 1912

*Provided that where there is no such principal society in a province the Local Government may declare any central co-operative society in that province to be a provincial co-operative society within the meaning of this definition ;*

(*d*) " rupee coin " means silver rupees which are legal tender under the provisions of the Indian Coinage Act, 1906 ; and (f) III of 1906

(*e*) " scheduled bank " means a bank included in the Second Schedule. (g)

## CHAPTER II.

### INCORPORATION, SHARE CAPITAL, MANAGEMENT AND BUSINESS.

Establishment and incorporation of Reserve Bank.

**3.** (*1*) A Bank to be called the Reserve Bank of India shall be constituted for the purposes of taking over the management of the currency from the Governor-General in Council and of carrying on the business of banking in accordance with the provisions of this Act.

(*2*) The Bank shall be a body corporate by the name of the Reserve Bank of India, having perpetual succession and a common seal, and shall by the said name sue and be sued.

Share capital, share registers and shareholders.

**4.** (*1*) The original share capital of the Bank shall be five crores of rupees divided into shares of *one* hundred rupees each, which shall be fully paid up.

(*2*) Separate registers of shareholders shall be maintained at Bombay, Calcutta, Delhi, Madras and Rangoon, and a separate issue of shares shall be made in each of the areas served by those registers, as defined in the First Schedule, and shares shall be transferable from one register to another.

(*3*) A shareholder shall be qualified to be registered as such in any area in which he is ordinarily resident or has his principal place of business in India, but no person shall be registered as a shareholder in more than one register ; and no person who is not—

(*a*) *domiciled in India and either an Indian subject of His Majesty, or a subject of a State in India, or*

(b) *a British subject ordinarily resident in India and domiciled in the United Kingdom or in any part of His Majesty's Dominions the government of which does not discriminate in any way against Indian subjects of His Majesty, or*

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(c) a company registered under the Indian Companies Act, 1913, or a society registered under the Co-operative Societies Act, 1912, *or any other law for the time being in force in British India relating to co-operative societies* or a scheduled bank, or a corporation or company incorporated by or under an Act of Parliament or any law for the time being in force in any *part* of His Majesty's Dominions *the government of which does not discriminate in any way against Indian subjects of His Majesty*, and having a branch in British India,

shall be registered as a shareholder or be entitled to payment of any dividend on any share.

* * * *

(4) *The Governor General in Council shall, by notification in the Gazette of India specify the parts of His Majesty's dominions which shall be deemed for the purposes of clauses (b) and (c) of sub-section (3) to be the parts of His Majesty's Dominions in which no discrimination against Indian subjects of His Majesty exists.*

(5) The nominal value of the shares originally assigned to the various registers shall be as follows, namely :—

(a) to the Bombay register—one hundred and *forty* lakhs of rupees ;

(b) to the Calcutta register—one hundred and *forty-five* lakhs of rupees ;

(c) to the Delhi register—*one hundred and fifteen* lakhs of rupees ;

(d) to the Madras register—*seventy* lakhs of rupees ;

(e) to the Rangoon register—*thirty* lakhs of rupees :

*Provided that if at the first allotment the total nominal value of the shares on the Delhi register for which applications are received is less than one hundred and fifteen lakhs of rupees, the Central Board shall, before proceeding to any allotment, transfer any shares not applied for up to a maximum nominal value of thirty-five lakhs of rupees from that register in two equal portions to the Bombay and the Calcutta register.*

(6) In allotting the shares assigned to a register, the Central Board shall, in the first instance, allot *five* shares to each qualified applicant who has applied for *five* or more shares ; and, if the number of such applicants is greater than *one-fifth of* the total number of shares assigned to the register, shall determine by lot the applicants to whom the shares shall be allotted.

(7) If the number of such applicants is less than *one-fifth of* the number of shares assigned to the register, the Central Board shall allot the remaining shares *firstly, up to the limit of one-half of such remaining shares, to those applicants who have applied for less than five shares, and thereafter as to the balance to* the various applicants in such manner as it may deem fair and equitable, having regard to the desirability of distributing the shares and the voting rights attached to them as widely as possible.

*(8) Notwithstanding anything contained in sub-sections (6) and (7), the Central Board shall reserve for and allot to Government shares of the nominal value of two lakhs and twenty thousand rupees to be held by Government for disposal at par to Directors seeking to obtain the minimum share qualification required under sub-section (2) of section 11.*

(9) If, after all applications have been met in accordance with the provisions of * sub-sections (6), (7) *and* (8), any shares remain unallotted, they shall, notwithstanding anything contained in this section, be allotted to and taken up by Government, and shall be sold by the Governor General in Council *as soon as may be*, at not less than par * * *, *to residents of the areas served by the register concerned.*

(10) The Governor General in Council shall have no right to exercise any vote under this Act by reason of any shares * allotted to him *under sub-section (8) or under sub-section (9).*

*(11) A Director shall not dispose of any shares obtained from Government under the provisions of sub section (8) otherwise than by re-sale to Government at par, and Government shall be entitled to re-purchase at par all such shares held by any Director on his ceasing from any cause to hold office as Director.*

Increase and reduction of share capital.

5. (1) The share capital of the Bank may be increased by the Central Board with the previous sanction of the Governor General in Council *and with the approval of the Central Legislature.*

*(2) The additional shares so created shall be of the nominal value of one hundred rupees each and shall be assigned to the various registers in the same proportions as the shares constituting the original share capital.*

(3) *Such additional shares* shall be fully paid up, * * * and the price at which they may be issued shall be fixed by the Central Board with the *previous* sanction *of the Governor General in Council.*

(4) *The provisions of section 4 relating to the manner of all tment of the shares constituting the original share capital shall apply to the allotment of such additional shares, and existing shareholders shall not enjoy any preferential right to the allotment of such additional shares.*

(5) The share capital of the Bank may be reduced by the Central Board, with the previous sanction of the Governor General in Council, to such extent and in such manner as may be determined by the Bank in general meeting.

**6.** * * * * *
* * *

*Offices, branches and agencies. * The Bank shall, as soon as may be, establish *offices in Bombay,* Calcutta, Delhi, Madras and Rangoon, and may establish branches or agencies in any other place in India *or in London* or with the previous sanction of the Governor General in Council, elsewhere.

**7.** Management. The general superintendence *and direction* of the affairs and business of the Bank shall be entrusted to a Central Board of Directors which may exercise all powers and do all acts and things which may be exercised or done by the Bank and are not by this Act expressly directed or required to be done by the Bank in general meeting.

**8.** (*1*) Composition of the Central Board, and term of office of Directors. The Central Board shall consist of the following Directors, namely :—

(*a*) a Governor and * * * * two Deputy Governors, to be appointed by the Governor General in Council after consideration of the recommendations made by the Board in that behalf ;

(*b*) four Directors to be nominated by the Governor General in Council ;

(*c*) eight Directors to be elected on behalf of the shareholders on the various registers, in the manner provided in section 9 and in the following numbers, namely :—

(*i*) for the Bombay register—two Directors ;

(*ii*) for the Calcutta register—two Directors ;

(*iii*) for the Delhi register—two Directors ;

(*iv*) for the Madras register—one Director ;

(*v*) for the Rangoon register—one Director ; and

(*d*) one government official to be nominated by the Governor General in Council.

(2) *No person shall be appointed as Governor unless he is a person of tested banking experience covering a period of not less than five years.* (*1A*).

(*3*) The Governor and Deputy Governors shall devote their whole time to the affairs of the Bank, and shall receive such salaries and allowances as may be determined by the Central Board, *with the approval of* the Governor General in Council. (*2*).

(*4*) A Deputy Governor and the Director nominated under clause (*d*) of sub-section (*1*) may attend any meeting of the Central Board and take part in its deliberations but shall not be entitled to vote : (*3*).

Provided that when the Governor is absent a Deputy Governor authorized by him in this behalf in writing may vote for him.

(*5*) The Governor and a Deputy Governor shall hold office for such term not exceeding five years as the Governor General in Council may fix when appointing them, and shall be eligible for re-appointment. (*4*).

A Director *nominated under clause* (*b*) *or* elected under clause (*c*) of sub-section (*1*) shall hold office for five years, or thereafter until his successor shall have been duly *nominated or* elected, and, subject to the provisions of section 10, shall be eligible for *re-nomination or* re-election.

*A Director* nominated under * * clause (*d*) of sub-section (*1*) shall hold office during the pleasure of the Governor General in Council.

(*6*) No act or proceeding of the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board. (*5*).

**9.** (*1*) Local Boards, their constitution and functions. A Local Board shall be constituted for each of the five areas specified in the First Schedule, and shall consist of—

(*a*) five members elected from amongst themselves by the shareholders who are registered on the register for that area and are qualified to vote, and

(*b*) not more than three members nominated by the Central Board *from amongst the shareholders registered on the register for that area,* who may be nominated at any time :

*Provided that the Central Board shall in exercising this power of nomination aim at securing the representation of territorial*

*or economic interests not already represented, and in particular the representation of agricultural interests and the interests of co-operative banks.*

(2) At an election of members of a Local Board for any area, any shareholder who has been registered on the register for that area, for a period of not less than six months ending with the date of the *election*, as holding *five* shares shall have one vote, and each shareholder so registered as having more than *five* shares shall have one vote for each *five* shares, but subject to a maximum of ten votes, *and such votes may be exercised by proxy appointed on each occasion for that purpose, such proxy being himself a shareholder entitled to vote at the election and not being an employee of the Bank.*

(3) The members of a Local Board shall hold office until they vacate it under sub-section 6) and, subject to the provisions of section 10, shall be eligible for re-election or re-nomination, as the case may be.

(4) At any time within three months of the day on which the Directors representing the shareholders on any register are due to retire under the provisions of this Act, the Central Board shall direct an election to be held of members of the Local Board concerned, *and shall specify a date from which the registration of transfers from and to the register shall be suspended until the election has taken place.*

(5) *On the issue of such direction the Local Board shall give notice of the date of the election and shall publish a list of shareholders holding five or more shares, with the dates on which their shares were registered, and with their registered addresses, and such list sha'l be available for purchase not less than three weeks before the date fixed for the election.*

(6) *The names of the persons elected shall be notified to the Central Board which shall thereupon* proceed to make any nominations permitted by clause (*b*) of sub-section (*1*) it may then decide to make, and shall fix the date on which the outgoing members of the Local Board shall vacate office, and the incoming members shall be deemed to have assumed office on that date.

(7) The elected members of a Local Board shall, as soon as may be after they have been elected, elect from amongst themselves one or two persons, as the case may be, to be Directors representing the shareholders on the register for the area for which the Board is constituted.

(8) A Local Board shall advise the Central Board on such matters as may be generally or specifically referred to it and shall perform such duties as the Board may, by regulations, delegate to it.

**Qualifications and disqualifications of Directors and members of Local Boards.**

**10.** (*1*) No person may be a Director or a member of a Local Board who is not or has not at some time been* engaged in * * agricultural, commercial, financial or industrial activities, *

* * * *

(*2*) No person may be a Director or a member of a Local Board who—

(*a*) is a *salaried* government official or *a salaried* official of a State in India, or

(*b*) is, or at any time has been, adjudicated an insolvent, *or has suspended payment or has compounded with his creditors*, or

(*c*) *is found lunatic or becomes of unsound mind, or* (bb).

(*d*) is an officer or employee of any bank, or (c).

(*e*) is a director of any bank, other than a *bank which is a society registered or deemed to be registered under* the Co-operative Societies Act, 1912, *or any other law for the time being in force in British India relating to co-operative societies.* (d). II of 1912.

* * * * *

(3) *No two persons who are partners of the same mercantile firm, or are directors of the same private company, or one of whom is the general agent of or holds a power of procuration from the other, or from a mercantile firm of which the other is a partner, may be Directors or members of the same Local Board at the same time.* (A).

(*4*) Nothing in *sub-section (1) or in clause (a), clause (d), or clause (e) of sub-section (2)* shall apply to the Governor, or to a Deputy Governor or to the Director nominated under clause (*d*) of sub-section (*1*) of section 8. (3)

**Removal from and vacation of office.**

**11.** (*1*) The Governor General in Council may remove from office the Governor or a Deputy Governor or any nominated or elected Director :

Provided that in the case of *a Director nominated or elected under clause (b) or clause (c), of sub-section (1) of section 8* this power shall be exercised only on a resolution passed by the Central Board in that behalf by a majority consisting of not less than nine Directors.

(*2*) A Director nominated or elected under clause (*b*) or clause (*c*) of *sub-section (1) of* section 8, and any member of a Local Board shall cease to hold office if, at any time after six months from the date of his nomination or election, * * * he

is not registered as a holder of unencumbered shares of the Bank of a nominal value of not less than *five* thousand rupees, or if he ceases to hold unencumbered shares of that value, *and any such Director shall cease to hold office if without leave from the Governor General in Council he absents himself from three consecutive meetings of the Central Board.*

(3) The Governor General in Council *shall* remove from office any Director, and the Central Board *shall* remove from office any member of a Local Board, if such Director or member becomes subject to any of the disqualifications specified in sub-section (2) *or sub-section* (3) of section 10

4) *(4) A Director or member of a Local Board removed or ceasing to hold office under the foregoing sub-sections shall not be eligible for re-appointment either as Director or as member of a Local Board until the expiry of the term for which his appointment was made.*

(5) The appointment, nomination or election as Director or member of a Local Board of any person who is a member of the Indian Legislature or of a local Legislature shall be void, unless, within *two* months of the date of his appointment, nomination or election, he ceases to be such member, and, if any Director or member of a Local Board is elected or nominated as a member of any such Legislature, he shall cease to be a Director or member of the Local Board as from the date of such election or nomination, as the case may be.

(6) A Director may resign his office to the Governor General in Council, and a member of a Local Board may resign his office to the Central Board, and on the acceptance of the resignation the office shall become vacant.

Casual vacancies and absences.

**12.** (1) If the Governor or a Deputy Governor by infirmity or otherwise is rendered incapable of executing his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the Governor General in Council may, *after consideration of the recommendation made by the Central Board in this behalf*, appoint another person to officiate for him, and such person may, notwithstanding anything contained in clause (*d*) of sub-section (2) of section 10, be an officer of the Bank.

(2) If an elected Director is for any reason unable to attend a particular meeting of the Central Board, the elected members of the Local Board of the area which he represents may elect one of their number to take his place, and for the purposes of that meeting the substitute so elected shall have all the powers of the absent Director.

* * * * * *

(3) Where any casual vacancy in the office of any member of a Local Board occurs *otherwise than by the occurrence of a vacancy in the office of a Director elected by the Local Board* the Central Board may nominate thereto, any qualified person recommended by *the elected members of* the Local Board, * * * * (4)

*(4) Where any casual vacancy occurs in the office of a Director other than the vacancies provided for in sub-section (1), the vacancy shall be filled, in the case of a nominated Director by nomination, and in the case of an elected Director by election held in the manner provided in section 9 for the election of Directors :* (5)

*Provided that before such election is made the resulting vacancy in the Local Board and any vacancy in the office of an elected member of such Board which may have been filled by a member nominated under sub-section (3) shall be filled by election held as nearly as may be in the manner provided in section 9 for the election of members of a Local Board.*

*(5) A person nominated or elected under this section to fill a casual vacancy shall, subject to the proviso contained in sub-section (4), hold office for the unexpired portion of the term of his predecessor.* (6)

Meetings of the Central Board.

**13.** (1) Meetings of the Central Board shall be convened by the Governor at least six times in each year and at least once in each quarter. * * *

*(2) Any three Directors may require the Governor to convene a meeting of the Central Board at any time and the Governor shall forthwith convene a meeting accordingly.* (1 A)

(3) The Governor, or in his absence the Deputy Governor authorized by the Governor under the proviso to sub-section (4) of section 8 to vote for him, shall preside at meetings of the Central Board, and, in the event of an equality of votes, shall have a second or casting vote. (2)

General meetings.

14. (1) A general meeting (hereinafter in this Act referred to as the annual general meeting) shall be held annually at *a place where there is an office of the Bank* within six weeks from the date on which the annual accounts of the Bank are closed, and a general meeting may be convened by the Central Board at any other time :

*Provided that the annual general meeting shall not be held on two consecutive occasions at any one place.*

(2) Any shareholder shall be entitled to attend at any general meeting, and each shareholder who has been registered on any register, for a period of not less than six months ending with the date of the meeting

as holding *five* shares shall have one vote, and each shareholder so registered as having more than *five* shares shall have one vote for each *five* shares, but subject to a maximum of ten votes; and such votes may be exercised by proxy.

First constitution of the Central Board.

**15.** (*1*) The following provisions shall apply to the first constitution of the Central Board, and, notwithstanding anything contained in section 8, the Central Board as constituted in accordance therewith shall be deemed to be duly constituted in accordance with this Act.

(*2*) The first Governor and the first Deputy Governor or Deputy Governors shall be appointed by the Governor General in Council on his own initiative, and shall receive such salaries and allowances as he may determine.

(*3*) The first eight Directors representing the shareholders on the various registers shall be nominated by the Governor General in Council, *from the areas served respectively by those registers* * * * *and the Directors so nominated shall hold office until their successors shall have been duly elected as provided in sub-section (4).*

(*4*) *On the expiry of each successive period of twelve months after the nomination of Directors under sub-section (3) two Directors shall be elected in the manner provided in section 9 until all the Directors so nominated have been replaced by elected Directors holding office in accordance with section 8. The registers in respect of which the election is to be held shall be selected by lot from among the registers still represented by nominated Directors, and for the purposes of such lot the Madras and Rangoon registers shall be treated as if they comprised one register only.*

First constitution of Local Boards.

**16.** As soon as may be after the commencement of this Act, the Central Board shall direct elections to be held and may make nominations, in order to constitute Local Boards in accordance with the provisions of section 9, and the members of such Local Boards shall hold office up to the date fixed under sub-section (*6*) of section 9, but shall not exercise any right under sub-section (*7*) of that section.

Business which the Bank may transact.

**17.** The Bank shall be authorized to carry on and transact the several kinds of business hereinafter specified, namely:—

(*1*) the accepting of money on deposit without interest from, and the collection of money for, the Secretary of State in Council, the Governor General in Council, Local Governments, States in India, *local authorities*, banks and any other persons;

(*2*) (*a*) the purchase, sale and rediscount of bills of exchange and promissory notes, drawn *on* and payable in India and arising out of *bona fide* commercial or trade transactions bearing two or more good signatures, one of which shall be that of a scheduled bank, and maturing within ninety days from the date of such purchase or rediscount, exclusive of days of grace;

(*b*) the purchase, sale and rediscount of bills of exchange and promissory notes, drawn and payable in India and bearing two or more good signatures, one of which shall be that of a scheduled bank, or a provincial co-operative bank, and drawn or issued for the purpose of financing seasonal agricultural operations or the marketing of crops, and maturing within *nine* months from the date of such purchase or rediscount, exclusive of days of grace;

* * * * * * ;

(*c*) the purchase, sale and rediscount of bills of exchange and promissory notes drawn and payable in India and bearing the signature of a scheduled bank, and issued or drawn for the purpose of holding or trading in securities of the Government of India or a Local Government, or such securities of States in India as may be specified in this behalf by the Governor General in Council on the recommendation of the Central Board, and maturing within ninety days from the date of such purchase or rediscount, exclusive of days of grace;

(*3*) (*a*) *the purchase from and sale to scheduled banks of sterling in amounts of not less than the equivalent of one lakh of rupees.*

(*b*) *the purchase, sale and rediscount of bills of exchange (including treasury bills) drawn in or on any place in the United Kingdom and maturing within ninety days from the date of purchase, provided that no such purchase, sale or rediscount shall be made in India except with a scheduled bank; and*

(c) *the keeping of balances with banks in the United Kingdom ;*

(4) the making *to States in India, local authorities, scheduled banks and provincial co-operative banks* of loans and advances, repayable on demand or on the expiry of fixed periods not exceeding ninety days, against the security of—

(a) stocks, funds and securities (other than immovable property) in which a trustee is authorized to invest trust money by any Act of Parliament or by any law for the time being in force in British India ;

(b) gold * or *silver* or documents of title to the same ;

(c) such bills of exchange and promissory notes as are eligible for purchase or rediscount by the Bank : * * ;

* * *

(d) promissory notes of any scheduled bank or a provincial co-operative bank, supported by documents of title to goods which have been transferred, assigned, * or pledged to any such bank as security for a cash credit granted for *bona fide* commercial or trade transactions, or for the purpose of financing seasonal agricultural operations or the marketing of crops :

* * * *

(5) the making * * to the Governor General in Council *and to such Local Governments as may have the custody and management of their own provincial revenues of advances* repayable in each case not later than three months *from the date of the making of the advance ;*

(6) the issue of demand drafts *made payable at its own offices or agencies* and the making, issue and circulation of bank post bills * * * ;

(7) the purchase and sale of *Government* securities *of the United Kingdom* maturing within *ten* years from the date of such purchase, * * * ;

(8) the purchase and sale of securities of the Government of India * * or of a Local Government *of any maturity* * * or of such securities of *a local authority in British India or of such* States in India * * as may be specified in this behalf by the Governor General in Council on the recommendation of the Central Board :

*Provided that securities fully guaranteed as to principal and interest by the Government of India, a Local Government, a local authority or a State in India shall be deemed for the purposes of this clause to be securities of such Government, authority or State :*

Provided *further* that the amount of such securities held at any time in the Banking Department shall be so regulated that—

(a) the total value of such securities shall not exceed the aggregate amount of the share capital of the Bank, the Reserve Fund and *three*-fifths of the liabilities of the Banking Department in respect of deposits ;

* * *

(b) the value of such securities maturing after one year shall not exceed the aggregate amount of the share capital of the Bank, the Reserve Fund and *two-fifths* of the liabilities of the Banking Department in respect of deposits ;

(c) the value of such securities maturing after ten years shall not exceed the aggregate amount of the share capital of the Bank and the Reserve Fund *and one-fifth of the liabilities of the Banking Department in respect of deposits ;*

(9) the custody of monies, securities and other articles of value, and the collection of the proceeds, whether principal, interest or dividends, of any such securities ;

(10) the sale and realisation of all property, whether movable or immovable, which may in any way come into the possession of the Bank in satisfaction, or part satisfaction, of any of its claims ;

(11) the acting as agent for the Secretary of State in Council, the Governor General in Council or any Local Government *or local authority* or State in India in the transaction of any of the following kinds of business, namely :—

(a) the purchase and sale of gold or silver ;

(b) the purchase, sale, transfer and custody of bills of exchange, securities or shares in any company ;

(c) the collection of the proceeds, whether principal, interest or dividends, of any securities or shares ;

(d) the remittance of such proceeds, at the risk of the principal, by bills of exchange payable either in India or elsewhere ;

(e) the management of public debt ;

(2) the purchase and sale of gold coin and bullion ;

(13) the opening of an account with *or the making of an agency agreement with*, and the acting as agent or correspondent of, *a* bank which is the principal currency authority of *any* country under the law for the time being in force in that country ;

(14) the borrowing of money for a period not exceeding one month for the purposes of the business of the Bank, and the giving of security for money so borrowed :

Provided that no money shall be borrowed under this clause from any person in India other than a scheduled bank, or from any person outside India other than a bank which is the principal currency authority of any country under the law for the time being in force in that country :

Provided further that the total amount of such borrowings from persons in India shall not at any time exceed the amount of the share capital of the Bank ;

(15) the making and issue of bank notes subject to the provisions of this Act ; and

(16) generally, the doing of all such matters and things as may be incidental to or consequential upon the exercise of its powers or the discharge of its duties under this Act.

Power of direct discount.

**18.** When, in the opinion of the Central Board, or, where the powers and functions of the Central Board under this section have been delegated to *a committee of the Central Board or to* the Governor, in the opinion of *such committee or of* the Governor, *as the case may be, a special occasion has arisen making it* necessary or expedient that action should be taken under this section for the purpose of regulating credit in the interests of Indian trade, commerce, industry and agriculture, the Bank may, notwithstanding any limitation contained in sub-clauses (a) and (b) of clause (2) *or sub-clause (a) or (b) of clause (3) or clause (4) of section 17,—*

*(1) purchase, sell or discount any of the bills of exchange or promissory notes specified in sub-clause (a) or (b) of clause (2) or sub-clause (b) of clause (3) of that section though such bill or promissory note does not bear the signature of a scheduled bank or a provincial co-operative bank ; or*

*(2) purchase or sell sterling in amounts of not less than the equivalent of one lakh of rupees ; or*

*(3) make loans or advances repayable on demand or on the expiry of fixed periods not exceeding ninety days against the various forms of security specified in clause (4) of that section :*

*Provided that a committee of the Board or the Governor shall not, save in cases of special urgency, authorize action under this section without prior consultation with the Central Board and that in all cases action so authorized shall be reported to the members of the Central Board forthwith.*

Business which the Bank may not transact.

**19.** Save as otherwise provided in sections 17, 18 and 45, the Bank may not—

(1) engage in trade or otherwise have a direct interest in any commercial, industrial, or other undertaking, except such interest as it may in any way acquire in the course of the satisfaction of any of its claims : provided that all such interests shall be disposed of at the earliest possible moment ;

(2) purchase its own shares or the shares of any other bank or of any company, or grant loans upon the security of any such shares ;

(3) advance money on mortgage of, or otherwise on the security of, immovable property or documents of title relating thereto, or become the owner of immovable property, except so far as is necessary for its own business premises and residences for its officers and servants ;

(4) make * loans or advances ;

(5) draw or accept bills payable otherwise than on demand ;

(6) allow interest on deposits or current accounts.

## CHAPTER III.

### CENTRAL BANKING FUNCTIONS.

Obligation of the Bank to transact Government business.

**20.** The Bank shall undertake to accept monies for account of the Secretary of State in Council and the Governor General in Council and such Local Governments as may have the custody and management of their own provincial revenues, and to make payments up to the amount standing to the credit of their accounts respectively, and to carry out their exchange, remittance and other banking operations, including the management of the public debt * * * .

Bank to have the right to transact Government business in India.

**21.** (*1*) The Governor General in Council and such Local Governments as may have the custody and management of their own provincial revenues shall * entrust the Bank, on such conditions as may be agreed upon, with all their money, remittance, exchange and banking transactions in India and, in particular, *shall* deposit free of interest all their cash balances with the Bank :

Provided that nothing in this sub-section shall prevent the Governor General in Council or any Local Government from carrying on money transactions * * at places where the Bank has no branches or agencies, and the Governor General in Council and Local Governments may hold at such *places* such balances as they may require.

(*2*) The Governor General in Council and each Local Government shall * entrust the Bank, on such conditions as may be agreed upon, with the management of the public debt and with the issue of any new loans * * .

(*3*) *In the event of any failure to reach agreement on the conditions referred to in this section the Governor General in Council shall decide what the conditions shall be.*

(*4*) *Any agreement under this section to which the Governor General in Council is a party shall be laid before the Central Legislature as soon as may be after it is made.*

Right to issue bank notes.

**22.** (*1*) The Bank shall have the sole right to issue *bank notes* in British India, and may, for a period *which shall be fixed by the Govenor General in Council on the recommendation of the Central Board,* issue currency notes of the Government of India supplied to it by the Governor General in Council, and the provisions of this Act applicable to bank notes shall, unless a contrary intention appears, apply to all currency notes of the Government of India issued either by the Governor General in Council or by the Bank in like manner as if such currency notes were bank notes, and references in this Act to bank notes shall be construed accordingly.

(*2*) On and from the aforesaid date the Governor General in Council shall not issue any currency notes * *.

Issue Department.

**23.** (*1*) The issue of bank notes shall be conducted by the Bank in an Issue Department which shall be separated and kept wholly distinct from the Banking Department, and the assets of the Issue Department shall not be subject to any liability other than the liabilities of the Issue Department as hereinafter defined in section 34.

(*2*) The Issue Department shall not issue bank notes to the Banking Department or to any other person except in exchange for other bank notes or for such coin, bullion or securities as are permitted by this Act to form part of the Reserve.

Denominations of notes.

**24.** Bank notes shall be of the denominational values of five rupees, ten rupees, fifty rupees, one hundred rupees, five hundred rupees, one thousand rupees and ten thousand rupees, *unless otherwise directed by the Governor General in Council on the recommendation of the Central Board.*

Form of bank notes.

**25.** The design, form and material of bank notes shall be such as may be approved by the Governor General in Council *after consideration of the recommendations made by the Central Board.*

Legal tender character of notes.

**26.** (*1*) Subject to the provisions of subsection (*2*), every bank note shall be legal tender at any place in British India in payment or on account for the amount expressed therein, and shall be guaranteed by the Governor General in Council.

(*2*) The Governor General in Council may, by notification in the *Gazette of India*, declare that, with effect from such date as may be specified in the notification, any series of bank notes of any denomination shall cease to be legal tender save at an office or agency of the Bank.

**27.** * * *

Re-issue of notes.

The Bank shall not reissue bank notes which are torn, defaced or excessively soiled.

Recovery of notes lost, stolen, mutilated or imperfect.

**28.** Notwithstanding anything contained in any enactment or rule of law to the contrary, no person shall of right be entitled to recover from the Governor General in Council or the Bank the

value of any lost, stolen, mutilated or imperfect currency note of the Government of India or bank note :

Provided that the Bank may, with the previous sanction of the Governor General in Council, prescribe the circumstances in and the conditions and limitations subject to which the value of such currency notes or bank notes may be refunded as of grace.

Bank exempt from stamp duty on bank notes.

II of 1899.

**29.** (*1*) The Bank shall not be iable to the payment of any stamp duty under the Indian Stamp Act, 1899, in respect of bank notes issued by it.

*Powers of Governor General in Council to supersede Central Board.*

**30.** (*1*) *If in the opinion of the Governor General in Council the Bank fails to carry out any of the obligations imposed on it by or under this Act, he may, by notification in the Gazette of India, declare the Central Board to be superseded, and thereafter the general superintendence and direction of the affairs of the Bank shall be entrusted to such agency as the Governor General in Council may determine, and such agency may exercise the powers and do all acts and things which may be exercised or done by the Central Board under this Act.*

(*2*) *When action is taken under this section the Governor General in Council shall cause a full report of the circumstances leading to such action and of the action taken to be laid before the Central Legislature at the earliest possible opportunity and in any case within three months from the issue of the notification superseding the Board.*

Issue of demand bills and notes.

**31.** No person in British India other than the Bank or, as expressly authorized by this Act, the Governor General in Council shall draw, accept, make or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe or take up any sum or sums of money on the bills, hundis or notes payable to bearer on demand of any such person :

Provided that cheques or drafts, *including hundis*, payable to bearer on demand or otherwise may be drawn on a person's account with a banker, shroff or agent.

Penalty.

**32.** (*1*) Any person contravening the provisions of section 31 shall * * * be punishable with fine *which may extend to* the amount of the bill, hundi, note or engagement in respect whereof the offence is committed.

(*2*) No prosecution under this section shall be instituted except on complaint made by the Bank.

Assets of the Issue Department.

**33.** (*1*) The assets of the Issue Department shall consist of gold coin, gold bullion, *sterling* securities * * *, rupee coin and rupee securities to such aggregate amount as is not less than the total of the liabilities of the Issue Department as hereinafter defined.

(*2*) Of the total amount of the assets, not less than two-fifths shall consist of gold coin, gold bullion or *sterling* securities * * *;

Provided that the amount of gold coin and gold bullion shall not at any time be less than *forty* crores of rupees in value.

(*3*) The remainder of the assets shall be held in rupee coin, Government of India rupee securties of any maturity and such bills of exchange and promissory notes * * payable in British India as are eligible for purchase by the Bank under sub-clause (*a*) or sub-clause (*b*) of clause (*2*) of section 17 or under section 18 :

Provided that the amount held in Government of India rupee securities shall not at any time exceed one-fourth of the total amount of the assets or fifty crores of rupees, whichever amount is *greater, or, with the previous sanction of the Governor General in Council, such amount plus a sum of ten crores of rupees.*

(*4*) For the purposes of this section, gold coin and gold bullion shall be valued at 8·47512 grains of fine gold per rupee, rupee coin shall be valued at its face value, and securities shall be valued at the market rate for the time being obtaining.

(*5*) Of the gold coin and gold bullion held as assets, not less than seventeen-twentieths shall be held in British India, and all gold coin and gold bullion held as assets shall be held in the custody of the Bank or its agencies :

Provided that gold belonging to the Bank which is in any other bank or in any mint or treasury or in transit may be reckoned as part of the assets.

(*6*) For the purposes of this section, the *sterling* securities * * * which may be held as part of the assets shall be securities of any of the following kinds payable in the currency of *the United Kingdom*, namely :—

(*a*) balances at the credit of the Issue Department with *the Bank of England* ;

(*b*) bills of exchange bearing two or more good signatures and drawn on and payable at *any place in the United Kingdom* and having a maturity not exceeding ninety days ;

(c) *Government securities of the Uni'ed Kindom* maturing within five years * * ;

Provided that, for a period of two years from the date on which this Chapter comes into force, * any of such last mentioned securities may be securities maturing after five years, and the Bank may, at any time before the expiry of that period, dispose of such securities notwithstanding anything contained in section 17 * * * * * *

**34.** (1) The liabilities of the Issue Department shall be an amount equal to the total of the amount of the currency notes of the Government of India and bank notes for the time being in circulation.

Liabilities of the Issue Department.

(2) For the purposes of this section, any currency note of the Government of India or bank note which has not been presented for payment within forty years from the 1st day of April following the date of its issue shall be deemed not to be in circulation. and the value thereof shall, notwithstanding anything contained is sub-section (2) of section 23, be paid by the Issue Department to the Governor General in Council or the Banking Department, as the case may be ; but any such note, if subsequently presented for payment, shall be paid by the Banking Department, and any such payment in the case of a currency note of the Government of India shall be debited to the Governor General in Council.

**35.** On the date on which this Chapter comes into force the Issue Department shall take over from the Governor General in Council the liability for all the currency notes of the Government of India for the time being in circulation and the Governor General in Council shall transfer to the Issue Department gold coin, gold bullion *sterling* securities * * *, rupee coin and rupee securities to such aggregate amount as is equal to the total of the amount of the liability so transferred. The coin bullion and securities shall be transferred in such proportion as to comply with the requirements of section 33 :

Initial assets and liabilities.

Provided that the total amount of the gold coin, gold bullion and *sterling* securities * * * so transferred shall not be less than onehalf of the whole amount transferred, and that the amount of rupee coin so transferred shall not exceed fifty crores of rupees ;

*Provided further that the whole of the sold eoin and the gold bullion held by the Governor General in Council in the gold standard reserve and the paper currency reserve at the time of transfer shall be so transferred.*

**36.** (1) After the close of any financial year in which the minimum amount of rupee coin held in the assets, as shown in any of the weekly accounts of the Issue Department for the year prescribed under sub-section (1) of section 53, is greater than fifty crores of rupees or one-*sixth* of the total amount of the assets as shown in that account, whichever may be the greater, the Bank may deliver to the Governor General in Council rupee coin up to the amount of such excess but not without his consent exceeding five crores of rupees, against payment of legal tender value in the form of bank notes, gold or securities :

Method of dealing with fluctuations in rupee-coin assets.

Provided that if the Bank so desires and if the amount of gold coin, gold bullion and *sterling* securities * * * in the assets does not at that time exceed one-half of the total assets, a proportion not exceeding two-fifths of such payment shall be in gold coin, gold bullion or such *sterling* securities, * * * as may be held as part of the assets under sub-section (6) of section 33.

(2) After the close of any financial year in which the maximum amount of rupee coin held in the assets, as so shown, is less than *fifty* crores of rupees or one-*sixth* of the total amount of the assets as so shown, whichever may be the greater, the Governor General in Council *shall* deliver to the Bank rupee coin up to the amount of such deficiency, but not without *its* consent exceeding five crores of rupees, against payment of legal tender value.

**37.** (1) Notwithstanding anything contained in the foregoing provisions the Bank may, with the previous sanction of the Governor General in Council, for periods not exceeding thirty days in the first instance, which may, with like sanction, be extended from time to time by periods not exceeding fifteen days, hold as assets gold coin, gold bullion or *sterling* securities * * * of less aggregate amount than that required by sub-section (2) of section 33 and, whilst the holding is so reduced, the proviso to that sub-section shall cease to be operative :

Suspension of assets requirements.

*Provided that the gold coin and gold bullion held as such assets shall not be reduced below the amount specified in the proviso to sub section (2) of section 33 so long as any sterling securities remain held as such assets.*

(2) In respect of any period during which the holding of gold coin, gold bullion and *sterling* securities * * * is reduced, under sub-section (1) the Bank shall pay to

the Governor-General in Council a tax upon the amount by which such holding is reduced below the minimum prescribed by sub-section (2) of section 33 ; and such tax shall be payable at the bank rate for the time being in force, with an addition of one per cent. per annum when such holding exceeds thirty-two and a half per cent. of the total amount of the assets and of a further one and a half per cent. per annum in respect of every further decrease of two and a half per cent. or part of such decrease ;

Provided that the tax shall not in any event be payable at a rate less than six per cent per annum.

Obligations of Government and the Bank in respect of rupee coin.

**38.** The Governor-General in Council shall undertake not to re-issue any rupee coin delivered under section 36 nor to put into circulation any * rupees, except through the Bank and as provided in that section ; and the Bank shall undertake not to dispose of rupee coin otherwise than for the purposes of circulation or by delivery to the Governor-General in Council under that section.

Obligation to supply different forms of currency.

**39.** (*1*) The Bank shall issue rupee coin on demand in exchange for *bank notes and* currency notes of the Government of India, and shall issue currency notes or bank notes on demand in exchange for coin which is legal tender under the Indian Coinage Act, 1906. III of 1906.

(*2*) *The Bank* shall, in exchange for currency notes or bank notes of five rupees or upwards, supply currency notes or bank notes of lower value or * * other coins which are legal tender under the Indian Coinage Act, 1906, in such quantities as may, in the opinion of the Bank, be required for circulation ; and the Governor-General in Council shall * * * * supply such * * * * coins to the Bank on demand. If the Governor-General in Council at any time fails to *supply such coins*, the Bank shall be released from its obligations to supply *them* to the public. III of 1906.

Obligations to sell sterling.

**40.** The Bank shall sell, to any person who makes a demand in that behalf at its office in Bombay, Calcutta, Delhi, Madras or Rangoon and pays the purchase price in legal tender currency, sterling for immediate delivery in London, at a rate not below one shilling and five pence and forty-nine sixty-fourths of a penny for a rupee :

Provided that no person shall be entitled to demand to buy an amount of sterling less than ten thousand pounds.

Obligation to buy sterling.

**41.** The Bank shall buy, from any person who makes a demand in that behalf at its office in Bombay, Calcutta, Delhi, Madras or Rangoon sterling for immediate delivery in London, at a rate not higher than one shilling and six pence and three-sixteenths of a penny for a rupee :

Provided that no person shall be entitled to demand to sell an amount of sterling less than ten thousand pounds :

*Provided further that no person shall be entitled to receive payment unless the bank is satisfied that payment of the sterling in London has been made.*

Cash reserves of scheduled banks to be kept with the Bank.

**42.** (*1*) Every bank included in the Second Schedule shall maintain * * with the * Bank *a balance* the amount of which shall *not at the close of business on any day* be less than *five* per cent. of the *demand liabilities and two per cent. of the time liabilities of such bank in India as shown in the return referred to in sub-section* (*2*).

*Explanation.—For the purposes of this section liabilities shall not include the paid-up capital or the reserves, or any credit balance in the profit and loss account of the bank or the amount of any loan taken from the Reserve Bank.*

(*2*) Every *scheduled* bank shall send to the Governer-General in Council and to the bank a * return signed by two responsible officers of such bank showing—

(*a*) the amounts of its demand and time liabilities, respectively, in India,

(*b*) the total amount held in India in currency notes of the Government of India and bank notes,

(*c*) the amounts held in India in rupee coin and subsidiary coin, respectively,

(*d*) the amounts of advances made and of bills discounted in India, respectively, and

(*e*) the balance held at the Bank,

at the close *of business on each Friday, or if Friday is a public holiday under the Negotiable Instruments Act, 1881, at the close of business on the next working day ; and such return shall be sent not later than three days after the date to which it relates :* XXVI of 1881.

*Provided that where the Bank is satisfied that the furnishing of a weekly return under this sub-section is impracticable in the case of any scheduled bank by reason of the geographical position of the bank and its branches, the Bank may require such bank to furnish in lieu of a weekly return a*

*monthly return to be dispatched not later than fourteen days after the end of the month to which it relates giving the details specified in this sub-section in respect of such bank at the close of business for the month.*

(3) *If at the close of business on any day before the day fixed for the next return, the balance held at the Bank by any scheduled bank is below the minimum prescribed in sub-section (1), such scheduled bank shall be liable to pay to the Bank in respect of each such day penal interest at a rate three per cent. above the bank rate on the amount by which the balance with the Bank falls short of the prescribed minimum, and if on the day fixed for the next return such balance is still below the prescribed minimum as disclosed by this return, the rates of penal interest shall be increased to a rate five per cent. above the bank rate in respect of that day and each subsequent day on which the balance held at the Bank at the close of business on that day is below the prescribed minimum.*

(4) *Any scheduled bank failing to comply with the provisions of sub-section* (2) *shall be liable to pay to the Governor-General in Council or to the Bank, as the case may be, or to each, a penalty of one hundred rupees for each day during which the failure continues.*

(5) *The penalties imposed by sub-sections* (3) *and* (4) *shall be payable on demand made by the Bank, and in the event of a refusal by the defaulting bank to pay on such demand, may be levied by a direction of the principal Civil Court having jurisdiction in the area where an office of the defaulting bank is situated, such direction to be made only upon application made in this behalf to the Court by the Governor-General in Council in the case of a failure to make a return under sub-section* (2) *to the Governor-General in Council, or by the Bank with the previous sanction of the Governor-General in Council in other cases.*

(6) The Governor General in Council shall, by notification in the *Gazette of India*, direct the inclusion in the Second Schedule of any bank not already so included which carries on the business of banking in British India and which—

(a) *has a paid-up capital and reserves of an aggregate value of not less than five lakhs of rupees, and*

(b) *is a bank as defined in clause* (2) *of section 2 of the Indian Companies Act, 1913, or a corporation or a company incorporated by or under any law in force in any place outside British India,* 913

and shall by a like notification direct the exclusion from that Schedule of any scheduled bank the aggregate value of whose paid-up capital and reserve becomes at any time less than *five* lakhs of rupees, or which goes into liquidation or otherwise ceases to carry on banking business.

*Publication of consolidated statement by the Bank.*

**43.** *The Bank shall compile and shall cause to be published each week a consolidated statement showing the aggregate of the amounts under each clause of sub-section* (2) *of section 42 exhibited in the returns received from scheduled banks under that section.* 2-A

*Power to require returns from co-operative banks.*

**44.** *The Bank may require any provincial co-operative bank with which it has any transactions under section 17 to furnish the return referred to in sub-section* (2) *of section 42, and if it does so the provisions of sub-sections* (4) *and* (5) *of section 42 shall apply so far as may be to such co-operative bank as if it were a scheduled bank.* 42-B.

*Agreement with the Imperial Bank.*

**45.** (1) The Bank shall enter into an agreement with the Imperial Bank of India which shall be subject to the approval of the Governor-General in Council, and shall be expressed to come into force on the date on which this Chapter comes into force and to remain in force for *fifteen years and thereafter until terminated after five years' notice on either side* and shall further contain the provisions set forth in the Third Schedule ; 43.

*Provided that the agreement shall be conditional on the maintenance of a sound financial position by the Imperial Bank and that if, in the opinion of the Central Board, the Imperial Bank has failed either to fulfil the conditions of the agreement or to maintain a sound financial position, the Central Board shall make a recommendation to the Governor-General in Council, and the Governor-General in Council, after making such further enquiry as he thinks fit, may issue instructions to the Imperial Bank with reference either to the agreement or to any matter which in his opinion involves the security of the Government monies or the assets of the Issue Department in the custody of the Imperial Bank, and in the event of the Imperial Bank disregarding such instructions may declares the agreement to be terminated.*

(2) *The agreement referred to in sub-section* (1) *shall, as soon as may be after it is made, be laid before the Central Legislature.*

## CHAPTER IV.

### GENERAL PROVISIONS.

43-A. *46. The Governor-General in Council shall transfer to the Bank rupee securities of the value of five crores of rupees to be allocated by the Bank to the Reserve Fund.*

*Contribution by Governor General in Council to the Reserve Fund.*

44. 47. After making provision for bad and doubtful debts, depreciation in assets, contributions to staff and superannuation funds, and such other contingencies as are usually provided for by bankers, and after payment out of the net annual profits of a cumulative dividend at such rate not exceeding five per cent. per annum on the share capital as the Governor-General in Council may fix at the time of the issue of shares, *a portion of* the surplus shall be allocated * *— * * * *

Allocation of surplus.

* * * *

* * * *

* * * to *the payment of* an additional divided to the shareholders calculated on the scale set forth in the Fourth Schedule and the balance *of the surplus shall be paid* to the Governor-General in Council :

Provided that *if at any time* the Reserve Fund is less than the share capital, not less than fifty lakhs of rupees of the surplus, or the whole of the surplus if less than that amount, shall be allocated to the Reserve Fund.

44-A. *48. (1) Notwithstanding anything contained in the Indian Income-tax Act, 1922, or any other enactment for the time being in force relating to income-tax or super-tax, the Bank shall not be liable to pay income-tax or super-tax on any of its income profits or gains :* XI of 1922.

*Exemption of Bank from income-tax and super-tax and provision for deduction at source of income-tax on dividends.*

*Provided that nothing in this section shall affect the liability of any shareholder in respect of income-tax or super-tax.*

XI of 1922. *(2) For the purposes of section 18 of the Indian Income-tax Act, 1922, and of any other relevant provision of that Act relating to the levy and refund of income-tax any dividend paid under section 44 of this Act shall be deemed to be "Interest on Securities".*

45.

49. The Bank shall make public from time to time the *standard* rate at which it is prepared to buy or re-discount bills of exchange or other commercial paper eligible for purchase under this Act.

Publication of bank rate.

. (1) Not less than two auditors shall b elected and their remuneration fixed at the annual general meeting. The auditors may be shareholders, but no Director or other officer of the Bank shall be eligible during his continuance in office. Any auditor shall be eligible for re-election on quitting office. 46.

Auditors.

(2) The first auditors of the Bank may be appointed by the Central Board before the first annual general meeting and, if so appointed, shall hold office only until that meeting. All auditors elected under this section shall severally be, and continue to act as, auditors until the first annual general meeting after their respective elections :

Provided that any casual vacancy in the office of any auditor elected under this section may be filled by the Central Board.

51. Without prejudice to anything contained in section 50, the Governor-General in Council may at any time appoint *the Auditor-General or* such auditors as he thinks fit to examine and report upon the accounts of the Bank. 47.

Appointment of special auditors by Government.

. (1) Every auditor shall be supplied with a copy of the annual balance sheet, and it shall be his duty to examine the same, together with the accounts and vouchers relating thereto ; and every auditor shall have a list delivered to him of all books kept by the Bank, and shall at all reasonable times have access to the books, accounts and other documents of the Bank, and may, at the expense of the Bank if appointed by it or at the expense of the Governor-General in Council if appointed by him, employ accountants or other persons to assist him in investigating such accounts, and may, in relation to such accounts, examine any Director or officer of the Bank 48.

Powers and duties of auditors.

(2) The auditors shall make a report to the shareholders or to the Governor-General in Council, as the case may be, upon the annual balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the state of the Bank's affairs and, in case they have called for any explanation or information from the Central Board, whether it has been given and whether it is satisfactory. Any such report made to the shareholders shall be read, together with the report of the Central Board, at the annual general meeting. 49.

53. (1) The Bank shall prepare and transmit to the Governor-General in Council a weekly account of the Issue Department and of the Banking Department in the form set out in the Fifth Schedule or in such other

Returns.

form as the Governor-General in Council may, by notification in the *Gazette of India*. prescribe. The Governor-General in Council shall cause these accounts to be published weekly in the *Gazette of India*.

(2) The Bank shall also, within two months from the date on which the annual accounts of the Bank are closed, transmit to the Governor-General in Council a copy of the annual accounts signed by the Governor, the Deputy Governors and the Chief Accounting Officer of the Bank, and certified by the auditors, *together with a report by the Central Board on the working of the Bank throughout the year*, and the Governor-General in Council shall cause such accounts *and report* to be published in the Gazette of India.

(3) The Bank shall also, within two months from the date on which the annual accounts of the Bank are closed, transmit to the Governor-General in Council a statement showing the name, address and occupation of, and the number of shares held by, each shareholder of the Bank.

Reports by the Bank.

**54.** *(1) The Bank shall, at the earliest practicable date and in any case wtihin three years from the date on which this Chapter comes into force, make to the Governor-General in Council a report, with proposals, if it thinks fit, for legislation, on the following matters, namely :—*

(*a*) *the extension of the provisions of this Act relating to scheduled banks to persons and firms, not being scheduled banks, engaged in British India in the business of banking, and*

(*b*) *the establishment of a Rural Credit Department of the Bank or the creation of other machinery for effecting a closer connection between agricultural enterprise and the operations of the Bank.*

*(2) When the Bank is of opinion that the international monetary position has become sufficiently clear and stable to make it possible to determine what will be suitable as a permanent basis for the Indian monetary system and to frame permanent measures for a monetary standard it shall report its views to the Governor-General in Council.*

Power to require declaration as to ownership of registered shares.

**55.** (*1*) The Local Board of any area may at any time require any shareholder who is registered on the register for that area to furnish to the Local Board within a specified time, not being less than thirty days, a declaration, in such form as the Central Board may by regulations prescribe, giving particulars of all shares on the said register of which he is the owner.

(*2*) If it appears from such declaration that any shareholder is not the owner of any shares which are registered in his name, the Local Board may amend the register accordingly.

(*3*) If any person required to make a declaration under sub-section (*1*) fails to make such declaration within the specified time, the Local Board may make an entry against his name in the register recording such failure and directing that he shall have no right to vote, either under section 9 or section 14, by reason of the shares registered in his name on that register.

(*4*) Whoever makes a false statement in any declaration furnished by him under sub-section (*1*) shall be deemed to have committed the offence of giving false evidence defined in section 191 of the Indian Penal Code, and shall be punishable under the second paragraph of section 193 of that Code. XLV of 1860.

(*5*) *Until Local Boards have been constituted under section 9 the powers of a Local Board under this section shall be exercised by the Central Board in respect of any area for which a Local Board has not been constituted.*

Liquidation of the Bank.

**56.** (*1*) Nothing in the Indian Companies Act, 1913, shall apply to the Bank, and the Bank shall not be placed in * * liquidation save *by order* of the Governor-General in Council and in such manner as he may direct. 51. VII of 1913.

(*2*) In such event the Reserve Fund and surplus assets, if any, of the Bank shall be divided between the Governor-General in Council and the shareholders in the proportion of seventy-five per cent. and twenty-five per cent., respectively ;

*Provided that the total amount payable to any shareholder under this section shall not exceed the paid-up value of the shares held by him by more than one per cent. for each year after the commencement of this Act subject to a maximum of twenty-five per cent.*

Power of the Central Board to make regulations.

**57.** (*1*) The Central Board may, with the previous sanction of the Governor-General in Council, make regulations consistent with this Act to provide for all matters for which provision is necessary or convenient for the purpose of giving effect to the provisions of this Act. 52.

In particular and without prejudice to the generality of the foregoing provision, such regulations may provide all or any of the following matters, namely :—

(*a*) the holding and conduct of elections under this Act, including, if the Central Board thinks fit, provisions for the holding of

any elections according to the principle of proportional representation by means of the single transferable vote ;

(b) the final decision of doubts or disputes regarding the qualifications of candidates for election or regarding the validity of elections ;

(c) the maintenance of the share register, the manner in which and the conditions subject to which shares may be held and transferred, and, generally, all matters relating to the rights and duties of shareholders ;

(d) the manner in which general meetings shall be convened, the procedure to be followed thereat and the manner in which votes may be exercised;

(e) the manner in which notices may be served on behalf of the Bank upon shareholders or other persons ;

(f) the manner in which the business of the Central Board shall be transacted and the procedure to be followed at meetings thereof ;

(g) the conduct of business of Local Boards and the delegation to such Boards of powers and functions ;

(h) the delegation of powers and functions of the Central Board to the Governor, or to Deputy Governors, Directors or officers of the Bank ;

(i) the formation of Committees of the Central Board, the delegation of powers and functions of the Central Board to such Committees, and the conduct of business in such Committees ;

(j) the constitution and management of staff and superannuation funds for the officers and servants of the Bank ;

(k) the manner and form in which contracts binding on the Bank may be executed ;

(l) the provision of an official seal of the Bank and the manner and effect of its use ;

(m) the manner and form in which the balance-sheet of the Bank shall be drawn up, and in which the accounts shall be maintained ;

*(n) the remuneration of Directors of the Bank.* (mm)

*(o) the relations of the scheduled banks with the Bank and the returns to be submitted by the scheduled banks to the Bank;* (mmm)

*(p) the regulation of clearing-houses for the scheduled banks ;* (mmmm)

(q) the circumstances in which, and the conditions and limitations subject to which, the value of any lost, stolen, mutilated or imperfect currency note of the Government of India or bank note may be refunded ; and (n)

(r) generally, for the efficient conduct of the business of the Bank. (o)

*(3) Copies of all regulations made under this section shall be available to the public on payment.*

Amendment of Act III of 1906.

**58**. In the Indian Coinage Act, 1906, for section 11 the following section shall be substituted, namely :— III of 1906. 53.

Demonetisation of sovereign and half-sovereign.

" 11. Gold coins, coined at His Majesty's Royal Mint in England or at any mint established in pursuance of a proclamation of His Majesty as a branch of His Majesty's Royal Mint, shall not be legal tender in British India in payment or on account, but such coins shall be received by the Reserve Bank of India at its offices, *branches* and agencies in India at the bullion value of such coins calculated at the rate of 8·47512 grains troy of fine gold per rupee."

Repeals.

**59**. The Indian Paper Currency Act, 1923, the Indian Paper Currency (Amendment) Act, 1923, the Indian Paper Currency (Amendment) Act, 1925, and the Currency Act, 1927, are hereby repealed. X of 1923. 54 XXXVI of 1923. II of 1925. IV of 1297.

## THE FIRST SCHEDULE.

*(See section 4.)*

AREAS SERVED BY THE VARIOUS SHARE REGISTERS.

I. The WESTERN AREA, served by the BOMBAY Register, shall consist of—

the Bombay Presidency including Sind, the Central Provinces, Berar, Hyderabad, Baroda, Khairpur, the Western India States, the Central India States (including Makrai but excluding Rewah and other States of Bundelkhand and Baghelkhand), the Gujerat States, Kolhapur and the Deccan States.

II. The EASTERN AREA, served by the CALCUTTA Register, shall consist of—
the Bengal Presidency, Bihar and Orisa, Assam, Sikkim, Manipur, Cooch-Behar, Tripura, the Eastern States, Rewah and other States of Bundelkhand and Baghelkhand, and the Khasi States.

III. The NORTHERN AREA, served by the DELHI Register, shall consist of—
the United Provinces, Delhi, the Punjab, the North-West Frontier Province, Ajmer-Merwara, Baluchistan, Kashmir, the Punjab States excluding Khairpur, the Simla Hill States, Du'ana, Pataudi, Kalsia, Rampur, Tehri-Garhwal, Benares, the Rajputana States including Palanpur and Danta, Gwalior, Khaniadhana, Kalat, Las Bela, Hunza, Nagir, Amb, Chitral, Dir, Phulera and Swat.

IV. The SOUTHERN AREA, served by the MADRAS Register, shall consist of—
the Madras Presidency, Coorg, Mysore and the Madras States.

V. The BURMA AREA, served by the RANGOON Register, shall consist of—
Burma, the Andaman and Nicobar Islands, Bawlake, Kantarawadi, and Kyebogyi.

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THE SECOND SCHEDULE.

[*See section 42 and section 2 (e).*]

SCHEDULED BANKS.

Ajodhia Bank, Fyzabad.
Allahabad Bank.
American Express Company Incorporated
Banco Nacional Ultramarino.
Bangalore Bank.
Bank of Baroda.
Bank of Behar.
Bank of Chettinad, Madras.
Bank of Hindustan, Madras
Bank of India, Bombay.

* * *

Bank of Mysore.
Bank of Taiwan.
Bank of Upper Burma.

* * *

Benares Bank.
*Bengal Central Bank.*

* * *

Bhagwan Das & Co., Dehra Dun.

* * *

* * *

Canara Bank.

* * *

Central Bank of India.
Chartered Bank of India, Australia and China.

* * *

* * *

Comptoir National d'Escompte de'Paris.
Eastern Bank.

* * *

Grindlay and Company.
Hongkong and Shanghai Banking Corporation.
Imperial Bank of India.
Imperial Bank of Persia.
Indian Bank, Madras.
Industrial Bank of Western India, Ahmedabad.
Jalpaiguri Banking and Trading Corporation.
Karnani Industrial Bank.

* * *

Lloyds Bank.

* * *

Mercantile Bank of India.
Mitsui Bank, Bombay.
Muffassil Bank, Gorakhpur.

* * *

* * *

National Bank of India.
National City Bank of New York.
Nederlandsche Indische Handels-bank.
Nederlandsche Handel-Maatschappij.
Nedungadi Bank, Calicut.
Oudh Commercial Bank.
*Peoples' Bank of Northern India.*

* * *

P. and O. Banking Corporation.

* * *

Punjab and Sind Bank, Amritsar.
Punjab Co-operative Bank, Amritsar.
Punjab National Bank, Lahore.

* * *

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Simla Banking and Industrial Company.

* * *

* * *

Thomas Cook & Sons.

* * *

Travancore National Bank, Tiruvalla.
Union Bank of India, Bombay.
U. Rai Gyaw Thoo and Co., Akyab.
Yokohama Specie Bank.

## THE THIRD SCHEDULE.

(*See section 45.*)

*Provisions to be contained in the agreement between the Reserve Bank of India and the Imperial Bank of India.*

1. The Imperial Bank of India shall be the sole agent of the Reserve Bank of India at all places in British India where * * * there is a branch of the Imperial Bank of India *which was in existence at the commencement of the Reserve Bank of India Act, 1933, and there is* no branch of the Banking Department of the Reserve Bank of India.

2. In consideration of the performance *at the places referred to in clause 1* by the Imperial Bank of India on behalf of the Reserve Bank of India of the functions which the Imperial Bank of India was performing on behalf of the Governor-General in Council * * * before the coming into force of the Reserve Bank of India Act, 1933, the Reserve Bank af India shall pay to the Imperial Bank of India *as remuneration a sum which shall be for the first ten years during which this agreement is in force* a commission calculated *at one-sixteenth of one per cent. on the first 250 crores and one thirty-second of one per cent. on the remainder of* the total of the receipts and disbursements dealt with annually on account of Government by the Imperial Bank of India on behalf of the Reserve Bank of India. *At the close of the said ten years the remuneration to be paid by the Reserve Bank of India to the Imperial Bank of India for the performance of these functions shall be revised and the remuneration for the ensuing five years shall be determined on the basis of the actual cost to the Imperial Bank of India, as ascertained by expert accounting investigation, of performing the said functions. The remuneration so determined shall thereafter be subject to revision in like manner at the end of each period of five years so long as this agreement remains in force. If any dispute arises between the Reserve Bank of India and the Imperial Bank of India as to the amount ofthe said remuneration the matter shall be referred for final decision to the Governor General in Council who may require from the Imperial Bank such information and may order such accounting investigation as he thinks fit.*

3. *In consideration of the maintenance by the Imperial Bank of India of* branches not less in number than those existing at the *commencement* of the Reserve Bank of India Act, 1933, the Reserve Bank of India shall, *until the expiry of fifteen years from the coming into force of this agreement, make to the Imperial Bank of India the following payments, namely :—*

(*a*) during the first five years *of this agreement—nine lakhs of rupees per annum ;*

(*b*) during the next five years *of the agreement—six lakhs of rupees per annum ; and*

(*c*) during the next five years *of the agreement—four lakhs of rupees per annum ;**

(*d*) * * * * * *

4. The Imperial Bank of India shall not without the approval of the Reserve Bank of India open any branch in substitution for a branch existing at the time this agreement comes into force.

## THE FOURTH SCHEDULE.

(*See section 47.*)

*Scale of additional dividend payable to shareholders.*

*A.*—If the maximum rate of dividend fixed under section 47 is five per centum and so long as the share capital of the Bank is five crores of rupees—

(1) if the surplus does not exceed four crores of rupees—*Nil* ;

(2) if the surplus exceeds four crores of rupees—

(*a*) out of such excess up to the first one and a half crores rupees—fraction equal to one-sixtieth ;

(*b*) out of each successive additional excess up to one and a half crores of rupees—one-half of the fraction payable out of the next previous one and a half crores of excess :

Provided that the additional dividend shall be a multiple of one-eighth of one per cent. on the share capital, the amount of the surplus allocated thereto being rounded up or down to the nearest one-eighth of one per cent. on the share capital.

*B.*—If the maximum rate of dividend fixed under section 47 is below five per centum, the said fraction of one-sixtieth shall be increased in the ratio of the difference between six and the fixed rate to unity.

*C.*—When the original share capital of the Bank has been increased or reduced, the said fraction of one-sixtieth shall be increased or diminished in proportion to the increase or reduction of the share capital.

## THE FIFTH SCHEDULE.

(*See section 53.*)

RESERVE BANK OF INDIA.

*An Account pursuant to the Reserve Bank of India Act, 1933, for the week ending on the day of*

ISSUE DEPARTMENT

| *Liabilities.* | Rs. | *Assets.* | Rs. |
|---|---|---|---|
| Bank Notes held in the Banking Department | | | |
| Bank Notes in circulation .. .. .. | | A. Gold coin and bullion— | |
| Total Bank Notes issued .. .. | | (*a*) held in India .. .. .. | |
| Government of India Notes in circulation .. | | (*b*) held outside India .. .. .. | |
| | | *Sterling* Securities * * * .. | |
| | | Total of A .. .. | |
| | | B. Rupee coin .. .. .. .. | |
| | | Government of India rupee securities .. | |
| | | Internal bills of exchange and other commercial paper .. .. .. | |
| Tcal Liabilities | | Total Assets .. | |

Ratio of total of A to liabilities per cent.

Dated the day of 19 .

BANKING DEPARTMENT.

| *Liabilities.* | Rs. | *Assets.* | Rs. |
|---|---|---|---|
| Capital paid up .. .. | | Notes .. .. .. | |
| Reserve Fund .. .. | | Rupee coin .. .. .. | |
| Deposits— | | Subsidiary coin .. .. .. | |
| (*a*) Government .. .. | | Bills discounted— | |
| (*b*) Banks .. .. | | (*a*) Internal .. .. .. | |
| (*c*) Others .. .. | | (*b*) External .. .. .. | |
| Bills payable .. .. | | (*c*) Government of India Treasury Bills | |
| Other liabilities .. .. | | Balances held abroad | |
| | | Loans and advances to the Government | |
| | | Other loans and advances .. .. | |
| | | Investments .. .. .. | |
| | | Other assets .. .. .. | |

Dated the day of 19

MD. RAFI,

Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Report of the Joint Committee on the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes was presented to the Legislative Assembly on the 20th November, 1933.

WE, the undersigned, members of the Joint Committee to which the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. We first met in Simla on the 19th September, 1933, to elect our Chairman and settle some preliminary points of procedure. We then met in New Delhi and sat continuously from the 23rd October until 16th November, 1933.

3. The clauses of the Bill have been renumbered but the original numbering which it is found convenient to retain in the Report has been reproduced in the margin of the Bill as now printed.

4. We deal below with the Bill clause by clause :—

*Clause 2.*—We have made a verbal alteration here.

*Clause 4 (2).*—This deals with section 10 (2) of the Imperial Bank of India Act. We see no reason for the retention of sub-section (2) (*b*) of that section relating to the opening of new branches because it seems to us to be sufficiently covered by provision 3 of the Third Schedule to the Reserve Bank Bill.

We also consider that there should be some provision on the analogy of sub-section (2) (*a*) giving the Governor-General in Council power to terminate the agreement between the Reserve Bank and the Imperial Bank if the latter should not maintain a satisfactory financial position or if there should be a breach of the agreement between the two. We consider, however, that the place to provide for this is in the Reserve Bank Bill and have added an amendment accordingly to clause 43 of that Bill. We therefore recommend the abolition of the whole of section 10 (2) of the Imperial Bank of India Act.

*Clause 6A.*—We have made two minor amendments—

(1) consequential on the omission of the Explanation in section 13 of the Act proposed in clause 6 of this Bill, and

(2) adding to the definition of "co-operative societies" in view of the fact that there are now several Provincial Acts dealing with such societies.

*Clause 6B.*—We consider it desirable that the Imperial Bank of India should follow the same practice as ordinary companies in submitting its principal register of shareholders to the officer who performs the duty of registration of companies under the Indian Companies Act, 1913.

*Clause 7A.*—We consider that the title "Governor" should in future be reserved to the Governor and Deputy Governors of the Reserve Bank and that the words "Managing Director," "Deputy Director" and "Director" should be substituted for the words "Managing Governor", "Deputy Governor" and "Governor" wherever they appear in the Imperial Bank Act.

*Clause 9.*—We recommend the following amendments in section 28 of the Act which deals with the composition of the Central Board :—

(1) With the abolition or reduction of the Directors nominated by Government the Board will be too small to ensure effective representation of all the interests concerned and we recommend that a third Director should be elected by each Local Board to represent it, in addition to the President and Vice-President.

(2) To ensure the representation of interests which might otherwise be unrepresented, primarily agricultural, the Governor-General in Council should retain the right to nominate Directors to a number not exceeding two. This right need not be exercised if these interests secure representation through election.

(3) In view of the important Government financial interests involved Government should maintain a liaison officer in place of the Government officer who is at present a Governor of the Bank. This officer should be entitled to attend all Board meetings—though without any right to vote—and to be supplied with all the information which he may desire as to the Bank's affairs. Though we recognise that in future the relationship of the Imperial Bank will be primarily with the Reserve Bank and not with Government, we consider that such an officer is necessary and that he should be appointed by Government and not by the Reserve Bank.

*Clause 10A.*—We have made some amendments consequential on our amendment in 7A.

We have made a verbal amendment to make section 31 (1) (*c*) clearer.

*Clause 11.*—We considered a suggestion that the Imperial Bank of India should be authorised to make direct advances against immoveable property. In support of this suggestion it was pointed out to us that at present the Bank was in the habit of making advances upon the security of immoveable property as collateral and that in certain cases these advances are allowed to become in effect advances on the security of immoveable property. We consider that it should not be the business of the Imperial Bank to make advances on the security of immoveable property as such a practice might involve locking up its funds in a manner inconsistent with its functions and liabilities as a deposit Bank. We do not therefore accept the suggestion to enlarge the powers of the Bank in this respect. If, however this principle is accepted then it must be consistently observed not only in the letter but in the spirit. We should consider it an abuse of this principle if the Bank were in any case to make advances which although they might nominally be made within the limits laid down and on approved securities were nevertheless really made not on such justification but in reliance on the possibility of taking charges on immoveable property as collateral. We consider that it should be one of the duties of the Government liaison officer nominated under clause 9 of the Bill to watch whether there is any abuse by the Bank of the powers in the manner described above and to report the matter to the Government of India for such action as may be necessary.

We also considered in this connection a proposal to provide in the Act for the making of advances against promissory notes of Central Co-operative Banks. We did not think it necessary to make any such specific provision as we were assured by the representative of the Imperial Bank who appeared before us that legitimate business of this kind was covered by their present powers to give fixed advances against two-name paper.

*Clause 11 (1) (a).*—We have made an addition to enable the Bank to hold shares of the Reserve Bank of India which they as a scheduled bank will be permitted to do by clause 4 (3) (c) of the Reserve Bank Bill.

*Sub-clause (c).*—After discusion with other bankers, the representatives of the Imperial Bank agreed to delete fully paid shares of companies with limited liability from the proposed sub-clause (*iiia*) and we have amended the sub-clause accordingly with a further consequential amendment in sub-clause (*d*).

*Sub-clause (cc).*—We have made drafting amendments to make the present position clearer.

*Sub-clause (d).*—*Vide* comment on sub-clause (c).

*Sub-clause (ee).*—In the Reserve Bank Bill we have recommended an amendment to enable advances to be made to finance seasonal agricultural operations for a maximum period of nine months as against six, the period indicated in the original Bill. The Imperial Bank wished to have a similar latitude and we agree that this is desirable.

*Sub-clause (hh).*—This power has been given at the request of the Imperial Bank of India.

*Sub-clause (l).*—*Vide* comment on sub-clause (*ee*).

*Sub-clause (1A).*—*Vide* comment on sub-clause (*ee*).

*Sub-clause (2).*—*Vide* comment on sub-clause (*ee*). This drafting amendment has been made at the instance of the representatives of the Imperial Bank to make the position clearer.

*Clause 11A.*—The amendment in this clause has been made at the instance of the representative of the Imperial Bank of India with a view to making regulation 9 more easily workable in practice.

*Clause 12.*—We do not agree that the Bank should have the power which the Bill in its original form would have given them to decline to register the transfer of fully paid shares. This is not a right which we consider it desirable that they or any limited lability company should possess.

*Clause 13.*—We have made a verbal amendment.

*Clause 16.*—We have made a verbal amendment and substituted the word "Director" for "Governor" wherever it appears—*vide* comments on clause 7A.

*Clause 17.*—We have added a sub-clause to bring the procedure for the requisition of special meetings into accord with that prescribed in the Companies Act by fixing a limit within which the Directors must summon a meeting, failing which the shareholders will be able to convene one themselves. In this clause we have also made consequential alterations necessitated by the amendment proposed in clause 7A.

*Clause 19.*—We have made amendments consequential on the amendments proposed in clause 7A.

*Clause 20.*—We have made amendments consequential on our recommendation in clause 9 relating to the nomination of Directors by the Governor-General in Council.

*Sub-clause (c).*—We have made an alteration at the instance of the representatives of the Bank to make it clearer how the limitation on simultaneous membership of the Central or Local Boards should apply.

*Clause 21.*—Here too we have made an amendment consequential on the retention of

nominated Directors suggested in clause 9. We have also made alterations consequential on our recommendation in clause 7A.

*Clause 22.*—The Central Board of the Imperial Bank has represented to us that it is inconvenient to hold meetings of the Central Board as frequently as once in every three months. We have amended the period to four months accordingly but have provided that there shall be four meetings during the year. We have made other amendments of a drafting nature to make clearer the intention of this section and to carry out the alterations indicated by us in clause 7A.

*Clause 23.*—We have made provision here for the election of the third member of the Local Boards which we have recommended in clause 9. We have also omitted the proviso as unnecessarily restrictive. In sub-clause (2) we have also proposed two minor amendments with the object of making the intention clearer.

*Clause 26.*—We have added this routine power at the request of the representatives of the Imperial Bank. We have also made a verbal amendment consequential on our recommendation in clause 7A.

*Clause 30.*—We do not consider it reasonable that this should be restricted to British India and have substituted " India " accordingly.

5. The Bill was published in the *Gazette of India*, dated the 16th September, 1933. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

GEORGE SCHUSTER.

COWASJI JEHANGIR.

*SANT SINGH.

MOHD. YAMIN KHAN.

HOMI MEHTA.

G. NARAYANASWAMI CHETTY.

L. HUDSON.

J. S. HENDERSON.

S. R. PANDIT.

S. R. M. ANNAMALAI CHETTY.

S. M. PADSHAH.

MAHMOOD SUHRAWARDY.

CHARANJIT SINGH.

MOHD. HAYAT NOON.

* B. K. BASU.

*NRIPENDRANARAYAN SINHA.

*MATHURA PRASAD MEHROTRA.

S. C. MITRA.

BHUPUT SING.

ABDULLA-AL-MAMUN SUHRAWARDY.

GAYA PRASAD SINGH.

MOHD. AZHAR ALI.

HOSSAIN IMAM.

NIHAL SINGH.

RAM SARAN DAS.

VIDYA SAGAR PANDYA.

B. DAS.

J. B. TAYLOR.

*Subject to a minute or minutes of dissent.

## MINUTES OF DISSENT.

We, the undersigned members of the Joint Committee, to which the Imperial Bank of India (Amendment) Bill of 1933 was referred, beg to append the following Minute of Dissent to the Report that we have signed.

As regards clause 9 of the Bill, we are of opinion that in section 28 (*i*) power should be given to the Local Boards to elect an alternate member in the place of any one of the members of such Local Boards, who may not be able to attend any particular meeting of the Central Board, instead of the provision of electing an additional member as suggested in the Report.

We furthur desire that the power of nomination given to the Governor-General in Council in section 28 (*iv*) should be made mandatory, and the word " may " should be changed into " shall ".

We also desire that sub-clause (*vi*) of section 28 should be deleted and power may be reserved to the Central Board to permit the Secretaries of the Local Boards to attend the meetings of the Central Board to give such information that the Central Board may require.

B. K. BASU.

NRIPENDRANARAYAN SINHA.

H. IMAM.

MATHURA PRASAD MEHROTRA.

November 17, 1933.

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I dissent from the suggestion of the Committee in the final draft that loans should not be advanced on the security of immoveable property. The Committee first decided by the majority of votes that such loans should be advanced but this question was allowed to be re-opened on the 16th November on the representation of the Imperial Bank at a time the draft report was being discussed. The Joint Committee then reversed its own finding. The procedure of re-opening the question was unique in this case, as my suggestion of re-opening the question, that out of the two posts of a Governor and a Deputy Governor one should go to Indian, was ruled out of order.

The recommendation in prohibiting the Imperial Bank from advancing loans on the security of immoveable property has placed the landlords at the mercy of Bohras and other money-lending classes who charge exhorbitant rate of interest, sometimes amounting to 30 to 40 per cent. As a result of this exhorbitant rate, the land is passing very quickly from landlords to money-lenders, and the price of land has fallen by an amount of 50 per cent.

There are no land mortgage banks functioning in the manner the Central Banking Enquiry Committee recommended. Wherever these mortgage banks exist, they are ineffective.

If the advances on the security of landed property may not be made for a longer period, which I strongly urge, they should at least be made for a period of 6 to 9 months as contemplated in clause 11 (*1*) (*e*) of the Bill. Even this short period loan will tend to lower the local rate of interest and will give great relief to the landlords and specially in Bengal and other parts of India where lands are sold in default of payment by a day only.

Now I come to the agriculturists who get their help mainly through Co-operative institutions. The Imperial Bank unfortunately has withdrawn and is daily curtailing its facilities to these institutions. This fact was fully brought out in the evidence before the Central Banking Enquiry Committee.

The Secretary, Madras Central Bank, Ltd., in his evidence said :—

> "The Imperial Bank of India is virtually withdrawing the existing cash credit facilities on the banking of co-operative paper."

The Managing Director, Bombay Provincial Co-operative Bank, said :—

> " The Imperial Bank of India's policy in regard to the grant of credits to the co-operative movement has undergone a change for the worse recently." (Page 103).

The Bombay Provincial Banking Committee Report (pages 177-78) states :—

> " It was brought to our notice that the Provincal Bank, for the last 12 years had a cash credit of Rs. 8 lacs from the Imperial Bank which had not been of much use but which served as an ultimate fluid reserve. This was curtailed some two years ago and has now been stopped altogether."

The Honorary Secretary of the All-India Co-operative Institutes Association, Bombay, in his memorandum submitted (pages 77-78 Vol. II) as follows :—

> " For some time, the Imperial Bank used to grant credits to Co-operative Banks but of late the policy has changed for the worse and the credits have been reduced, stopped and in some cases only allowed on hard terms.............As things stand at present, therefore the Imperial Bank is not serviceable to the Co-operative Banks."

The Central Banking Inquiry Committee on the above evidence made the following observations :—

"The policy of the Imperial Bank of India in regard to the grant of financial assistance to some of the provincial and central co-operative banks seems of late to have undergone a definite change; and it is stated that it shows to-day a much smaller measure of readiness to hel them than it used to do in the past........ The ultimate result, therefore, of the action of the Imperial Bank will probably be to make money dearer to the agriculturists .......... We feel that the change of policy to which we have referred is unfortunate, especially at a time when the co-operative movement is growing in vitality and is extending the scope of its usefulness, towards the social and economic uplift of the rural population and when its financial needs are, therefore, likely to increase rapidly."

It is evident that the present policy of the Imperial Bank is detrimental to the interests of both the landlords and the agriculturists who form about 85 per cent. of the population of this country. In such important matters verbal assurances have no force. There should be statutory provision for such assistance. I, therefore, recommend that a definite sub-clause (*vii*) be added in Schedule I (*a*) as clause II (*dd*) of the Bill :—

"Pronotes of the Co-operative Credit Societies registered under Act II of 1912 or by another law for the time being in force in British India relating to co-operative societies."

There is no justification in giving special facilities to the Imperial Bank, if it refuses to assist agricultural interests in this country.

MATHURA PRASAD MEHROTRA.

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We, the undersigned, are of opinion that there should be a clear and definite provision in the Imperial Bank (Amendment) Bill of 1933 to the effect that the Imperial Bank should be authorised to make advances on the mortgage of immoveable properties. The present position of land-owning classes throughout the country owing to continued economic depression has come to such a pass that it is highly incumbent upon the legislature to enact such a provision to afford them some relief otherwise the disaster which may overtake them will have serious repercussions on the Government of the country.

NRIPENDRANARAYAN SINHA.

SANT SINGH.

HOSSAIN IMAM.

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## L. A. BILL NO. 44 OF 1933.

[AS AMENDED BY THE JOINT COMMITTEE.]

**[Words printed in italics indicate the amendments suggested by the Committee.]**

[*Where the numbering or lettering has been changed the former numbers or letters are indicated in the right hand margin.*]

### *A Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes.*

WHEREAS by reason of the constitution of the Reserve Bank of India it is expedient further to amend the Imperial Bank of India Act, 1920, in order to modify the control of the Governor General in Council over the management of the Bank, to remove certain restrictions on the transaction of business by the Bank, and to provide for an agreement between the Bank and the Reserve Bank of India ; It is hereby enacted as follows :— XLVII of 1920.

Short title and commencement.

**1.** (*1*) This Act may be called the Imperial Bank of India (Amendment) Act, 1933.

(*2*) It shall come into force on such date as the Governor-General in Council may, by notification in the *Gazette of India*, appoint.

Amendment of section 2, Act XLVII of 1920.

**2.** After clause (*i*) of section 2 of the Imperial Bank of India Act, 1920 (hereinafter referred to as the said Act), the following clause shall be inserted, namely :— XLVII of 1920.

"(*ii*) 'secretary' and 'deputy secretary' mean, respectively, *a* secretary and treasurer and *a* deputy secretary and treasurer of the Bank."

Repeal of section 9, Act XLVII of 1920.

**3.** Section 9 of the said Act is hereby repealed.

Amendment of section 10, Act XLVII of 1920

**4.** (*1*) In sub-section (*1*) of section 10 of the said Act,—

(*a*) for the words "the Secretary of State for India in Council" the words "the Reserve Bank of India" shall be substituted ;

(*b*) in clause (i), the words "to act as banker for, and" shall be omitted, and after the word

"securities" the words "as agent for the Reserve Bank of India" shall be inserted; and

(c) in clause (ii), for the words "the Government" the words "the Reserve Bank of India" shall be substituted.

(2) * Sub-section (2) of the same section * * * * * shall be omitted.

Amendment of section 12, Act XLVII of 1920.

5. In clause (a) of section 12 of the said Act, after the words "at such places" the words ", whether in India or elsewhere," shall be inserted.

Amendment of section 13, Act XLVII of 1920.

6. In sub-section (1) of section 13 of the said Act, after the words "in India" the words "or elsewhere" shall be inserted, and the Explanation after sub-section (2) shall be omitted.

*Amendment of section 13A, Act XLVII of 1920.*

7. *In section 13A of the said Act, the words "as defined in section 13" shall be omitted, and after the words and figures "Co-operative Societies Act, 1912," the words "or any other law for the time being in force in British India relating to co-operative societies" shall be inserted.*

*Amendment of section 20, Act XLVII of 1920.*

8. *To section 20 of the said Act the following sub-section shall be added, namely :—*

*"(3) A copy of the principal register of shareholders shall be compiled within 30 days after the date of the first ordinary general meeting in each year and shall be filed forthwith with the officer performing the duty of registration of companies under the Indian Companies Act, 1913."*

of 1913.

Amendment of section 23, Act XLVII of 1920.

9. In section 23 of the said Act, the words ", with the previous sanction of the Governor-General in Council," and the words "The Bank may also, subject to the provisions of this Act as to the business to be transacted there, establish an office in London," shall be omitted.

*Amendment of section 24, Act XLVII of 1920.*

10. *In section 24 of the said Act, for the word "Governors" the word "Directors" shall be substituted.*

Amendment of section 25, Act XLVII of 1920.

11. In section 25 of the said Act, the words ", with the previous sanction of the Governor-General in Council," shall be omitted.

**Substitution of new section for section 28, Act XLVII of 1920.**

12. For section 28 of the said Act the following section shall be substituted, namely :—

Constitution of Central Board.

"28. (1) The Central Board shall consist of the following *Directors*, namely :—

(i) the presidents and vice-presidents of the Local Boards established by this Act;

*(ii) one person to be elected from amongst themselves by the members of each Local Board established by this Act :*

(iii) a Managing *Director* who shall be appointed by the Central Board for a period not exceeding five years on such terms as the Central Board may direct, and may be continued in his appointment by the Central Board for such further periods not exceeding five years in each case as the Central Board thinks fit;

*(iv) such number of persons not exceeding two as may be nominated by the Governor-General in Council. Such persons shall hold office for one year but may be renominated;*

(v) a Deputy Managing *Director* who shall be appointed by the Central Board;

(vi) the secretaries of the Local Boards established by this Act; and

(vii) if any Local Board is hereafter established under this Act, such number of persons to represent it as the Central Board may prescribe.

(2) The *Directors* specified in clauses (v) and (vi) of sub-section (1) shall be at liberty to attend all meetings of the Central Board and to take part in its deliberations, but shall not be entitled to vote on any question arising at any meeting :

Provided that the Deputy Managing *Director* shall be entitled to vote in the absence of the Managing *Director*.

*(3) The Governor-General in Council shall nominate an officer of Government to attend the meetings of the Central Board, and such officer shall be entitled to attend all meetings of the Central Board and to take part in its deliberations but shall not be entitled to vote on any question arising at any meeting.*

**Repeal of section 30, Act XLVII of 1920.**

13. Section 30 of the said Act is hereby repealed.

**14.** *In section 31 of the said Act,—*

*Amendment of section 31, Act XLVII of 1920.*

(*a*) *in sub-section (1),—*

(*i*) *in clause (b), for the word "Governors", wherever it occurs, the word "Directors" shall be substituted, and*

(*ii*) *in clause (c), for the words "the half-yearly balance-sheet" the words "the annual and half-yearly balance-sheets" shall be substituted; and*

(*b*) *in clauses (b) and (d) of sub-section (2), for the word "Governors" the word "Directors" shall be substituted.*

**15.** (*1*) In Part I of Schedule I to the said Act, the following amendments shall be made, namely :—

Amendment of Schedule I, Act XLVII of 1920.

(*a*) *in sub clause (i) of clause (a), after the words "Governor-General in Council", the word "and" shall be omitted, and after the word "Ceylon" the words "and shares of the Reserve Bank of India" shall be added;*

(*b*) in sub-clause (iii) of *the same* clause*, after the words "a district board" the words "or a municipal board or committee or, with the sanction of the Governor-General in Council, debentures or other securities for money issued under the authority of a Prince or Chief of any State in India" shall be inserted;

after sub-clause (iii) of the same clause the following sub-clause shall be inserted, namely :—

"(iiia) subject to *such* directions *as may be issued by* the Central Board, * * * debentures of companies with limited liability whether registered in India or elsewhere ;";

(*d*) *after sub-clause (iv) of the same clause the following clause shall be inserted, namely :—*

*"(iva) goods which are hypothecated to the Bank as security for such advances, loans or credits, if so authorised by special directions of the Central Board ;";*

(*e*) in sub-clause (vi) of the same clause, the words " * * and debentures * * " shall be omitted, *and for the words "if so authorised by any general or special directions of the Central Board" the words "subject to such directions as may be issued by the Central Board" shall be substituted;*

(*f*) in clause (*b*), for the words "assigned to" the words "pledged, hypothecated, assigned or transferred to" shall be substituted, and for the words "or assignment" the words ", pledge, hypothecation, assignment or transfer" shall be substituted ; (e).

(*g*) *in clause (c), for the words "six months" the words "nine months in the case of advances or loans relating to the financing of seasonal agricultural operations or six months in other cases" shall be substituted ;* (ee).

(*h*) in clause (*d*, the words beginning with the words "payable in India, or in Ceylon" and ending with the words "may approve in that behalf" shall be omitted ; (f).

(*i*) in clause (*f*), the words "made payable in India, or in Ceylon," shall be omitted ; (g).

(*j*) in clause (*j*), after the word "claims" the following shall be added, namely :— (h).

", and the acquisition and holding of, and generally the dealing with, any right, title or interest in any property, moveable or immoveable, which may be the Bank's security for any loan or advance or may be connected with any such security";

(*k*) *to clause (k) the following words shall be added, namely :—* (hh).

*"and the entering into of contracts of indemnity, suretyship or guarantee with specific security or otherwise";*

(*l*) in clause (*l*), for the words "the acting as administrator, executor or trustee for the purpose of winding up estates" the words "the administration of estates for any purpose whether as an executor, trustee or otherwise" shall be substituted ; (i).

(*m*) in sub-clause (iii of clause (*l*), the words "at the risk of the principal" shall be omitted ; (j).

(*n*) in clause (*m*) the words beginning with the words "for the use of" and ending with the words "personal needs" shall be omitted ; (k).

(*o*) in clause (*n*), the words ", for the purpose of meeting such bills or letters of credit," shall be omitted, *and for the words "six months"* (l).

*the words " nine months in the case of bills relating to the financing of seasonal agricultural operations or six months in other cases " shall be substituted ;*

(p) in clause (o), the words, " in India" shall be omitted ;

(q) for clasue p the following clause shall be substituted, namely :—

" (p) the subsidizing from time to time of the pension funds of the Presidency Banks ; *and* "; *and*

(r) in clause q) after the words " kinds of business " the words ", including foreign exchange business," shall be inserted.

(2) *In sub-clause (a of clause (1) of Part II of the same Schedule, after the words " six months " the words " except as provided in clause (c) and clause (n) of Part I" shall be inserted.*

(3) In clause (4) of Part II of the same Schedule, after the words " negotiable security " the following brackets and words shall be inserted, namely :—

" (not being a security in which a trustee may invest trust money under section 20 of the Indian Trusts Act, 1882)", 1882.

*and for the words " six months ", in both places where they occur, the following words shall be substituted, namely:—*

*" nine months if a bill drawn for the purpose of financing seasonal agricultural operations and six months in other cases ".*

Amendment of regulation 9, Schedule II, Act XLVII of 1920.

**16.** *In regulation 9 in Schedule II to the said Act (which Schedule is hereinafter referred to as the said Schedule), for the words " Central Board " the word " Bank " shall be substituted.*

Amendment of Regulation 10, Schedule II, Act XLVII of 1920.

**17.** In regulation 10 in * * * the said Schedule * * * after the words *" has a lien "* the following shall be inserted, namely :—

" or *any transfer of shares* to any person who is a minor or has been found by a Court of competent jurisdiction to be of unsound mind or to or in the name of any firm ".

Substitution of new regulation for regulation 11, Act XLVII of 1920.

**18.** For regulation 11 in the said Schedule, the following regulation shall be substituted, namely :—

Deceased share-holders.

" **11.** The executors or administrators of a deceased *sole* holder of a share, the holder of a succession certificate issued under Part X of the Indian Succession Act, 1925, in respect of the share, and a person in whose favour a valid instrument of transfer of the share was executed by the deceased holder during his lifetime, shall be the only persons who may be recognized by the Bank as having any title to the share. In the case of a share registered in the names of two or more holders, the survivors or survivor and, on the death of the last survivor, his executors or administrators or any person who is the holder of a succession certificate in respect of such survivor's interests in the share, and a person in whose favour a valid instrument of transfer of the share was executed by such survivor during his lifetime, shall be the only person who may be recognized by the Bank as having any title to the share." XXXIX of 1925.

Amendment of regulation 12 Schedule II, Act XLVII of 1920.

**19.** In regulation 12 in the said Schedule,— 14.

(a) after the word " shareholder " where it first occurs, the words " or in consequence of a transfer by a deceased shareholder during his lifetime " shall be inserted ;

(b) after the words " have the right " the words ", subject to the provisions of regulation 10, " shall be inserted ; and

(c) the words beginning with " but the Bank shall " and ending with " before the death or insolvency " shall be omitted.

Amendment of regulation 19, Schedule II, Act XLVII of 1920.

**20.** In regulation 19 of the said Schedule, the words " and with the previous sanction of the Governor-General in Council " shall be omitted, and after the words " increase or " the words ", with the previous sanction of the Governor-General in Council, " shall be inserted. 15.

Amendment of regulation 23, Schedule II, Act XLVII of 1920.

**21.** In regulation 23 in the said Schedule, *in sub-regulation (1), for the words " statement of the affairs " the words " balance sheet " shall be substituted, and* in sub-regulation (2), for the words " a Managing Governor " the words " the Managing *Director* or Deputy Managing *Director* " shall be substituted. 16.

Substitution of new regulation for regulation 24, Schedule II, Act XLVII of 1920.

**22.** For regulation 24 in the said Schedule the following regulation shall be substituted, namely :— 17.

Special Meetings.

" **24.** (1) The Central Board shall convene a special meeting on the requisition of any three *Directors* or of

not less than one hundred shareholders holding shares *whether fully paid up or otherwise* of the aggregate amount of not less than five hundred thousand rupees, upon which all calls or other sums due have been paid, if such requisition is signed by the requisitionists and addressed to the Managing *Director* or Deputy Managing *Director* and contains a statement of the object of the proposed meeting.

(2) The requisition may consist of several documents in like form, each signed by one or more of the requisitionists.

(3) Sixty days' previous notice of any such meeting shall be given by the Central Board under the hand of not less than three *Directors*, and such notice shall state the purpose for which the meeting is convened and the time and place of such meeting, and shall be advertised in the Gazette of India and in not less than three daily newspapers, of which one shall be a newspaper published in the vernacular :

Provided that not less than three months' previous notice shall be thus given of any special meeting held for the purpose of increasing or reducing the capital of the Bank.

*(4) The place of such meeting shall be the place where the head office of the Bank is situated at the time of the meeting.*

*(5) If the Central Board does not proceed within 21 days from the date of deposit of the requisition referred to in sub-sections (1) and (2) to cause a meeting to be called, the requisitionists, or a majority of them in value, may themselves call the meeting, but in either case any meeting so called shall be held within three months from the date of deposit of the requisition.*

*Amendment of regulation 25, Schedule II, Act XLVII of 1920.*

**23.** *In sub-regulation (2) of regulation 25 in the said Schedule, for the word " Governors" the word "Directors" shall be substituted.*

*Amendment of regulation 26, Schedule II, Act XLVII of 1920.*

**24.** *In sub-regulation (1) of regulation 26 in the said Schedule, for the word " Governor " the word " Director" shall be substituted.*

Amendment of regulation 36, Schedule II, Act XLVII of 1920.

**25.** In regulation 36 in the said Schedule after the words " power of authority," the following words shall be inserted namely :— 18.

" or, in the case of a power of attorney previously deposited and registered with any local head office, a certificate of the secretary of such local head office as to such deposit and registration,".

Amendment of regulation 38, Schedule II, Act XLVII of 1920.

**26.** In regulation 38 in the said Schedule, for the words " *Governors*, Managing Governors" the words "*Directors*, the Managing *Director* or Deputy Managing *Director* " shall be substituted. 19.

Amendment of regulation 39, Schedule II, Act XLVII of 1920.

**27.** *In the heading to regulation 39 in the said Schedule, for the word " Governors " the word " Directors " shall be substituted, and in that* regulation * * * * *,— 20.

(a) in *sub-regulation (1), for the word " Governor " the word " Director " shall be substituted, and* in the proviso * *, the words " * * or appointed * * * * " shall be omitted ;

(b) in sub-regulation (2), *for the word " Governor " the word " Director " shall be substituted and in the proviso, for the words, brackets and figures " Governor under the provision of clause (iii) " the words, brackets and figures " Director under the provision of clause (iv) " shall be substituted, and for the words " and the office of a Governor " the words " and the office of a Director " shall be substituted* ; and

(c) in sub-regulation (3) *for the words " a Local Board or of the Central Board and a Local Board " the words " of the same Local Board " shall be substituted.*

Amendment of regulation 40, Schedule II, Act XLVII of 1920.

**28.** *In the heading to regulation 40 in the said Schedule, for the word " Governors " the word " Directors " shall be substituted, and* * * * *, *in that* regulation *for the word " Governor " where it first occurs, the word " Director " shall be substituted, and for* the brackets and words " (other than a Governor nominated or appointed by the Governor-General in Council) " *the brackets and words " (other than a Director nominated by the Governor-General in Council) " shall be substituted.* 21.

2. **29.** In regulation 42 in the said Schedule for the words "a Managing Governor", wherever they occur, the words "the Managing *Director* or Deputy Managing *Director*" shall as substituted *and for the word "Governors" in both places where it occurs, the word "Directors" shall be substituted;* and in sub-regulation (*1*), *for the word "three" the word "four" shall be substituted, and* for the words "at every local head office established by this Act" *the following shall be substituted, namely*:—

Amendment of regulation 42, Schedule II, Act XLVII of 1920.

*"at each of the local head offices established at Calcutta, Bombay and Madras:*

*Provided that not less than four meetings shall be convened by the Managing Director or Deputy Managing Director in every year."*

**30.** (*1*) For sub-regulation (*1*) of regulation 44 in the said Schedule the following *sub-regulation* shall be substituted, namely:—

Amendment of regulation 44 Schedule II, Act XLVII of 1920.

"(*1*) At the first meeting of the Local Board which takes place after the first meeting of the Central Board in each year, the Local Board shall elect from among its members a president and a vice-president *and the elected Director referred to in clause (ii) of sub-section (1) of section 28. They* shall continue in their respective offices until the first meeting of the Local Board after the first meeting of the Central Board in the following year, and, whenever the office of president or vice-president *or of such elected Director* becomes vacant, the Local Board shall at its next meeting elect a successor who shall hold office for the unexpired portion of the period for which his predecessor was appointed:

* * * * ".

*(2) In sub-regulation (2) of the same regulation, after the words "Local Board" the words "at all general or special meetings held in the town where the Local Board is established" shall be inserted, and in the proviso, for the word "themselves" the words "the members of the Local Board present" shall be substituted.*

**31.** *In regulations 46, 47 and 48 in the said Schedule, for the words "Governors" and "Governor", wherever they occur, the words "Directors" and "Director" shall be substituted, respectively.*

*Amendment of regulation 46, 47 and 48, Schedule II, Act XLVII of 1920.*

**32.** In regulation 49 in the said Schedule,— 24.

Amendment of regulation 49, Schedule II, Act XLVII of 1920.

(*a*) in sub-regulation (*1*), *for the word "Governors" the word "Directors" shall be substituted, and* for the words "a Managing Governor" the words "the Managing *Director* or Deputy Managing *Director*" shall be substituted; *and*

(*b*) in sub regulation (*5*), after the word "secretary" the words "or deputy secretary" shall be inserted.

**33.** In clause (*b*) of regulation 50 in the said Schedule, after the word "servants" the following shall be inserted, namely:— 25.

Amendment of regulation 50, Schedule II, Act XLVII of 1920.

"and to grant gratuities or other financial assistance, either temporary or permanent, to widows, children or other dependants of deceased officers or servants".

**34.** In regulation 51 in the said Schedule, for the word "Governors" the words "*Director* and Deputy Managing *Director*", and for the word "officers" the word "employees" shall be substituted *and after the words "business of the Bank;" the word "and" shall be omitted and to the regulation as so amended the following words shall be added, namely*:— 26.

Amendment of regulation 51, Schedule II, Act XLVII of 1920.

*"and to execute proxies to vote at meetings on behalf of shareholders from whom the Bank holds general powers of attorney".*

**35.** *In regulation 52 of the said Schedule, for the word "Governor" the word "Director" shall be substituted.* 26A.

*Amendment of regulation 52, Schedule II, Act XLVII of 1920.*

**36.** In regulation 54 in the said Schedule *in sub-regulation (2), for the words "Governors" the word "Directors" shall be substituted, and* for sub-regulation (*3*) the following *sub-regulation* shall be substituted, namely:— 27.

Amendment of regulation 54, Schedule II, Act XLVII of 1920.

"(*3*) The statement of the balance shall contain the particulars and shall be in the form required by section 132 of the Indian Companies Act, 1913, and the provisions of that section and of section 136 of the same Act, shall apply to the Bank in like manner as they apply to a banking company." VII of 1913.

28. **37.** In * * * regulation 58 in the said Schedule,—

Amendment of regulation 58, Schedule II, Act XLVII of 19 0.

(a) *in sub-regulation (1), for the word "Governor" the word "Director" shall be substituted; and*

b) *in the proviso to sub-regulation (2)* for the words * "a special meeting shall be called for the purpose of supplying the same" the words "the vacancy may be filled by the Central Board" shall be substituted.

28A. **38.** *In sub-regulation (1) of regulation 60 in the said Schedule, for the words "any Governor" the words "any Director" shall be substituted.*

*Amendment of regulation 60, Schedule II, Act XLVII of 1920.*

29. **39.** After regulation 60 in the said Schedule the following regulation shall be inserted, namely :—

Insertion of new regulation 60A in Schedule II, Act XLVII of 1920.

"60A. Notwithstanding anything contained in this Act or in section 271 of the Indian Companies Act, 1913, if the shareholders of the Bank pass a special resolution that the Bank be wound up voluntarily under the provisions of the Indian Companies Act, 1913, the Bank shall be wound up in accordance with the provisions of that Act with regard to the voluntary winding up of a company.

Liquidation. VII of 1913. VII of 1913.

Provided that, for the purposes of this section, no such special resolution shall be deemed to have been passed unless at least one-third of the shareholders holding at least one-half of the paid-up capital of the Bank for the time being be present in person or by proxy and a majority poll by open voting in favour of the said resolution and such resolution is thereafter confirmed by a majority of the shareholders at a subsequent special meeting held at an interval of not less than two months or more than three months from the date of the meeting at which the resolution was first passed."

**40.** For regulation 62 in the said Schedule the following regulation shall be substituted, namely :— 30.

Substitution of new regulation for regulation 62, Schedule II, Act XLVII of 1920.

"62. A shareholder who has no registered address in * India and has not supplied to the Bank an address for the giving of notices to him shall not be entitled to any notice, notwithstanding anything contained in this Act."

Absence of registered address.

**41.** Notwithstanding any amendment made in the said Act by this Act in regard to the manner in which the Central Board shall be constituted, the Central Board existing at the commencement of this Act shall, until it has been re-established in accordance with the said Act as amended by this Act, continue to the transact business and shall have all the powers of the Central Board under the said Act as so amended. 31.

Temporary saving of existing Central Board.

MD. RAFI,

Secy. to the Govt. of India.

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GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

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The following Bill* was introduced in the Legislative Assembly on the 21st November, 1933 :—

L. A. BILL NO. 47 OF 1933.

*A Bill further to amend the Indian Tariff Act, 1894, the Indian Finance Act, 1931, and the Sea Customs Act, 1878, for certain purposes.*

WHEREAS it is expedient further to amend the Indian Tariff Act, 1894, the Indian Finance Act, 1931, and the Sea Customs Act, 1878, for the purposes hereinafter appearing; It is hereby enacted as follows :—

VIII of 1894. VIII of 1878.

**1.** This Act may be called the Indian Tariff (Second Amendment) Act, 1933.

Short title.

**2.** *(1)* After Item No. 40A of the Second Schedule to the Indian Tariff Act, 1894, the following item shall be inserted, namely :— VIII of 18[94].

Amendment of the Second Schedule Act VIII of 1894.

| | | | |
|---|---|---|---|
| "40B | MINERAL OIL, not included in Item No. 40 or Item No. 40A, which is suitable for use as an illuminant in wick lamps. | Imperial gallon. | Two annas and three pies." |

*(2)* In sub-item *(2)* of Item No. 41 of the said Schedule, after the word "thermometer," the words "is not suitable for use as an illuminant in wick lamps," shall be inserted.

*The Governor-General has been pleased to accord the sanction required by section 67 (2) of the Government of India Act.

Amendment of the Second Schedule to the Indian Finance Act, 1931.

**3.** After Item No. 40A of the Second Schedule to the Indian Finance Act, 1931, the following item shall be inserted, namely :—

| | | |
|---|---|---|
| "40B | MINERAL OIL included in Item No. 40B. | Nine pies per Imperial gallon." |

Insertion of new section 195A in Act VIII of 1878.

**4.** After section 195 of the Sea Customs Act, 1878, the following section shall be inserted, namely :—

Power to make rules for determining whether mineral oil is suitable for use as an illuminant.

"195A. (1) When by any law for the time being in force a duty of customs is imposed on mineral oil which is specified as being suitable or as not being suitable for use as an illuminant in wick lamps, the Chief Customs Authority may make rules for determining in disputed cases whether any mineral oil is or is not suitable for such use.

(2 In particular such rules may—

(*a*) specify the design, construction and materials of test lamps to be used for testing the burning properties of mineral oil in wick lamps and provide for the standardisation of such test lamps ; and

(*b*) prescribe the manner in which and the persons by whom tests are to be carried out and the standards to be accepted for deciding whether any mineral oil is or is not suitable for use as an illuminant in wick lamps."

## STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to amend the Import Tariff so as to apply the rate of duty now prescribed for kerosene to all other mineral oils excepting motor spirit) which evince, when tested by a standard lamp, a prescribed minimum illuminating capacity, and can therefore be used as substitutes for kerosene for burning in lamps. The change is necessary in order to put an end to what has become a steadily increasing loss of revenue.

2. The rates of duty on kerosene are as follows :–

*Customs import duty—*

| | *AS.* | *PS.* |
|---|---|---|
| (*a*) Basic duty .. .. .. | 2 | 3 |
| (*b*) st surcharge .. .. .. | 0 | 9 |
| (*c*) 2nd surcharge 25 per cent. of (*a plus b*) | 0 | 9 |
| Total .. | 3 | 9 |

*Excise duty—*

| | | |
|---|---|---|
| (*a*) Basic duty .. .. .. | 1 | 6 |
| (*b*) 1st surcharge .. .. .. | 0 | 9 |
| (*c*) 2nd surcharge 25 per cent. of (*a*) *plus* (*b*) | 0 | 6¾ |
| Total .. | 2 | 9¾ |

3. For some time past large quantities of light fuel oil (light diesel oil) have been imported for use in India as illuminants. Such oil is not so used in other countries and no trade practice could be established by which it could be described as "kerosene." The latter term, though it has been defined for the purpose of the excise duty, is not so defined in the Import Tariff and therefore has to be interpreted by Customs officer in accordance with trade usage. The consequence is that the imported oil in question cannot be treated as kerosene under the Import Tariff ; but where use as an illuminant can be proved, such use takes it out of the Tariff definition of fuel oil duty 2½ per cent. *ad valorem*), so that it becomes dutiable as "oil, other sorts" at 25 per cent. *ad valorem*, equivalent to about 9 pies a gallon. The application of this rate still leaves these oils with a very considerable advantage over the oils which pay duty at the "kerosene" rate with the result that the recognised kerosene oils, and particularly an inferior quality which is largely made in Burma, are being displaced to an extent which is increasing day by day to the detriment of the local industry as well as of the revenue derived from the import and excise duties on kerosene.

4. No satisfactory dividing line between illuminating and non-illuminating oils based on their physical constants or chemical properties has so far been formulated, but a standard lamp to test burning capacity has been devised. The Bill provides for giving the Government power to prescribe this pattern of lamp as the one to be used in testing imported oils for the purpose of the new tariff entry and to frame rules laying down other particulars of the tests to be applied.

GEORGE SCHUSTER,

NEW DELHI,
The 7th November, 1933.

MD. RAFI,

Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Bill* was introduced in the Legislative Assembly on the 21st November, 1933 :—

L. A. BILL NO. 48 OF 1933.

*A Bill to provide for the application of the Naval Discipline Act to the Indian Navy.*

WHEREAS by section 66 of the Government of India Act it is among other things enacted that provision may be made by the Indian Legislature for the application to the naval forces raised by the Governor-General in Council of the Naval Discipline Act subject to such modifications and adaptations as may be made by the said Legislature to adapt the Act to the circumstances of India ; 29 & 30 Vict., c. 109.

AND WHEREAS it is expedient to make such provision ;

It is hereby enacted as follows :—

Short title and commencement.

**1.** (*1*) This Act may be called the Indian Navy (Discipline) Act, 1934.

(*2*) It shall come into force on such date as the Governor-General in Council may, by notification in the *Gazette of India*, appoint.

Definitions.

**2.** In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the Act" means the Naval Discipline Act ; 29 & 30 Vict., c. 109.

(*b*) "the Indian Navy" means the naval forces and ships raised and provided by the Governor-General in Council ; and

(*c*) "section" means a section of the Act.

Application of the Naval Discipline Act to the Indian Navy.

**3.** The Act shall apply to the Indian Navy, subject to the modifications and adaptations hereinafter specified, namely :—

(*1*) References to His Majesty's Navy and His Majesty's ships shall be deemed to include the forces and ships constituting the Indian Navy.

(*2*) References to the Admiralty, the Lords of the Admiralty, the Commander-in-Chief on a foreign station and the Secretary of the Admiralty in sections 19, 21, 22, 23, 24, 25, 26, 32, 52, 53, 56, 57A, 58, 59, 61, 68, 69, 70, 72, 74, 74A, 76, 78, 80, 81, 82, 83, 89, 90 and 93, and the words "the Admiralty," where they occur for the second time in sections 46 and 66 and for the first time in section 75, and the references to the Secretary of War and the Air Council in section 21, shall be deemed to be references to the Governor-General in Council.

(*3*) The references to a Secretary of the Admiralty in sections 66 and 75 shall be deemed to be references to a Secretary to the Government of India.

(*4*) References in sections 21, 37, 61, 69, 70, in sub-section (*3*) of section 74, in section 75 and in clauses (4) and (6) of section 90 to the Commander-in-Chief or to the Commander-in-Chief of any fleet or squadron or a naval Commander-in-Chief shall be deemed to be references to the officer commanding the Indian Navy.

(*5*) References in sections 45, 46, 67 and 70 to England or to the United Kingdom or to the United Kingdom of Great Britain and Ireland and the reference in section 80 to the United Kingdom shall be deemed to be references to British India.

(*6*) The references in section 54 and in clause (12) of section 58 to the United Kingdom shall be deemed to be references to India.

(*7*) The following section shall be substituted for section 1, namely :—

"1. All officers in command of ships of the Indian Navy shall give reasonable facilities for the performance of religious duties by the officers and members of the crews of their respective ships, to each man according to his religion." Facilities for performance of religious duties.

(*8*) In sections 25 and 26, for the words "on summary conviction thereof before a justice or justices" the words "on conviction in a summary trial before a Magistrate empowered under section 260 of the Code of Criminal Procedure, 1898" shall be substituted, and for the words "thirty pounds" and the words "twenty pounds," respectively, the words "two hundred rupees" shall be substituted. V of 1898.

*The Governor-General has been pleased to accord the sanction required by section 67 (2) of the Government of India Act.

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(*9*) In section 45,—

(*i*) after the word "death," where it first occurs, the words "or penal servitude for life" shall be inserted, and

(*ii*) (*a*) for the word "manslaughter" the words "culpable homicide not amounting to murder,"

(*b*) for the words "sodomy with man or beast" the words "an unnatural offence," and

(*c*) for the words "indecent assault," the words "attempt to commit an unnatural offence,"

shall be substituted.

(*10*) In section 48, the words "Where any person shall be charged with murder, a court-martial may find him guilty of manslaughter or of a common assault; where he shall be charged with sodomy, a court-martial may find him guilty of an indecent assault, where he shall be charged with theft, a court-martial may find him guilty of an attempt to thieve, or of embezzlement, or wrongful appropriation of property belonging to another; and generally" shall be omitted.

(*11*) In section 53,—

(*i*) in clause (1) the words "except in case of sentence of death, which shall only be remitted by Her Majesty," shall be omitted;

(*ii*) in clause (9), for the words "may also be accompanied with a direction that the prisoner shall be kept to hard labour for all or any part of the term of imprisonment" the words "may be rigorous (that is, with hard labour) or simple, or partly rigorous and partly simple" shall be substituted; and

(*iii*) to clause (9A) the following proviso shall be added, namely :—

"Provided that, until naval detention quarters shall have been set apart and declared to be such by the Governor-General in Council by notification in the *Gazette of India*, no sentence of detention shall be awarded."

(*12*) After section 53 the following section shall be inserted, namely :—

Substitution of "imprisonment" for "penal servitude" in certain cases.

"53A. (*1*) Where a person other than a European or American is sentenced to penal servitude, the authority sentencing him shall record such sentence and the term thereof and at the same time shall record an order substituting for such sentence a sentence of transportation which may be for life, or of rigorous imprisonment not exceeding fourteen years.

(*2*) For the purposes of this Act, unless there is anything repugnant in the subject or context, "penal servitude" includes transportation or rigorous imprisonment substituted for penal servitude in accordance with this section."

(*13*) For section 57 the following section shall be substituted, namely :—

Forfeiture of time or seniority.

"57. The Governor-General in Council may impose the punishment of forfeiture of time or seniority of not more than twelve months on any subordinate officer."

(*14*) For section 65 the following section shall be substituted, namely :—

Power to Governor-General in Council to apply general orders framed by Admiralty for practice of courts-martial.

"65. The Governor-General in Council may apply to the Indian Navy such general orders altering and regulating the procedure and practice of courts-martial as may from time to time be framed by the Admiralty and approved by His Majesty in Council, subject to such modifications as the Governor-General in Council may deem necessary to adapt them to the circumstances of the Indian Navy."

(*15*) In section 67, for the words "wilfully and corruptly give false evidence shall be deemed guilty of wilful and corrupt perjury" the words "make any statement which is false and which he either knows or believes to be false or does not believe to be true, shall be deemed to have committed the offence of giving false evidence" shall be substituted.

(*16*) In section 69, the words "at any time not sooner than six months after the trial if the same takes place in the Mediterranean, three months if at any other naval station within Europe, and twelve months if elsewhere" shall be omitted, and for the word "fourpence" the word "three annas" shall be substituted.

(*17*) In section 72, for the words "one of Her Majesty's justices of the peace of such county" the words "a Magistrate" shall be substituted.

(*18*) In sub-section (*1*) of section 74 the words "or by the Commander-in-Chief or senior officer present on any foreign station," shall be omitted.

(*19*) In section 76, for the words "one shilling" the words "twelve annas" and for the words "any justice for the county or place in which" the words "the District Magistrate or Presidency Magistrate within whose jurisdition" shall be substituted.

(*20*) In section 82,—

(*a*) (*i*) for the words "deemed guilty of felony, and upon being convicted thereof shall be imprisoned, with or without hard labour" the words "punished with imprisonment, which may be either rigorous or simple."

(*ii*) for the word "twenty pounds" the w rds "two hundred rupees"

(*iii*) for the words "ten pounds" the words "one hundred rupees,"

(*iv*) for the words "five pounds" wherever they occur, the words "fifty rupees," and

(*v*) for the words "upon conviction thereof before two justices of the peace, or not less than three of the visitors of the prison or naval detention quarters, be liable to be sentenced for every such offence to be imprisoned, either with or without hard labour, and with or without solitary confinement," the words "be punished with imprisonment, which may be either rigorous or simple," shall be substituted; and

(*a*) the words "and every penalty which may be incurred under this section shall be recoverable in a summary manner; and such two justices or three visitors are hereby authorised to issue warrants of distress and sale of the offender's goods," shall be omitted.

(*21*) In section 83,—

(*i*) for the words "one hundred pounds" the words "one thousand rupees" shall be substituted, and

(*ii*) the words "to be recovered in a summary manner before two justices of the peace; and such two justices are hereby authorised to issue warrants of distress and sale of the offender's goods" shall be omitted.

(*22*) In the definition of "officer" in section 86, after the words "Royal Marines," the words "and shall include also a person holding any such position in the Indian Naval Volunteer Reserve during and in respect of the time when he is serving in the Indian Navy," shall be inserted.

(*23*) In section 87, after the word "commission" the words "and every member of the Indian Naval Volunteer Reserve during and in respect of the time when he is serving in the Indian Navy, whether for training or exercise or having been called up for any duty or service for which as a member of such Reserve he is liable," shall be inserted.

(*24*) After section 90B the following section shall be inserted, namely :—

Persons serving in a ship of the Royal or Dominion Navy to be subject to the laws and customs thereof.

"90C. (*1*) Any person in or belonging to the Indian Navy, who, by order of the Governor-General in Council, is serving in a ship belonging to His Majerty's Navy or to the naval forces of a self-governing Dominion or in a naval establishment of His Majesty's Navy or a self-governing Dominion, or who is on board any such ship or in any such establishment awaiting passage or conveyance to any destination shall, for all purposes of command and discipline, be subject to the laws

and customs for the time being applicable to the Royal Navy or the ships and naval forces of the self-governing Dominion as the case may be.

(2) For the purposes of this section, the expression 'self-governing Dominion' includes the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland."

(25) Section 98A shall be omitted.

Repeals.

**4.** The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

THE SCHEDULE.

*(See Section 4.)*

ENACTMENTS REPEALED.

| Year. | No. | Short title. | Extent of repeal. |
|---|---|---|---|
| 1887 | XIV | The Indian Marine Act, 1887. | The whole. |
| 1888 | XVII | The Indian Marine Act, (1887) Amendment Act, 1888. | The whole. |
| 1899 | I | The Indian Marine Act (1887) Amendment Act, 1899. | The whole. |
| 1921 | X | The Indian Marine (Amendment) Act, 1921. | The whole. |
| 1933 | I | The Indian Marine (Amendment) Act, 1933. | The whole. |

STATEMENT OF OBJECTS AND REASONS.

This Bill is the outcome of section 66 of the Government of India Act as amended by the Government of India (Indian Navy) Act, 1927. Although the Royal Indian Marine has already been re-organised as a combatant force, it cannot be given the full status of a Navy until it has been brought under naval discipline.

2. Section 66 of the Government of India Act empowers the Indian Legislature to apply the British Naval Discipline Act to the naval forces raised by the Governor-General in Council. The self-governing Dominions have already applied the Act to the naval forces raised and maintained by them, and India is thus in a position to apply to her naval forces the same code of discipline as that in force in the British, Canadian and Australian Navies. Section 66 further empowers the Indian Legislature, in applying the Naval Discipline Act to the forces and ships raised and provided by the Governor-General in Council, to make such modifications and adaptations in the Act as it may think fit in order to adapt the Act to the circumstances of India, "including such adaptations as may be so made for the purpose of authorising or requiring anything which under the said Act is to be done by or to the Admiralty or the Secretary of the Admirality, to be done by or to the Governor-General in Council or by or to such person as may be vested with the authority by the Governor-General in Council". The Bill contains the changes in the Naval Discipline Act that appear necessary to carry out this object and render its provisions suitable to Indian conditions. It also provides for the discipline of the members of the Volunteer Reserve, at present provided for by the Indian Marine (Amendment) Act (No. I of 1933), which will be repealed with the passing of the present Bill.

SIMLA :
The 18th August, 1933.

G. R. F. TOTTENHAM.

NOTES ON CLAUSES.

*Clause* 2 (*b*).—This will give the Indian Navy its statutory title.

*Clause 3, sub-clauses* (2) *to* (6).—These provide, wherever necessary, for the performance by the Governor-General in Council or by officials of the Government of India of functions which, under the English Act, are performed by the Admiralty or other departments of His Majesty's Government or by officials of the British Government; and also for the substitution in certain places of "British India" for "the United Kingdom" or similar phrases.

*Sub-clause* (7).—The provision in the English Act for the performance of religious duties is unsuitable to a force composed largely of persons who are not Christians.

*Sub-clause* (8) *to* (12) *and* (15) *to* (21).—These make the necessary verbal alterations in those portions of the English Act which deal with the administration and procedure of English Criminal law, and bring them into conformity with the phraseology of the Indian Codes (Indian Penal Code and Criminal Procedure Code); and also substitute Indian for English currency where necessary.

*Sub-clause (13).*—The English Act differentiates between the powers of the Admiralty and of Admirals Commanding-in-Chief on foreign stations to impose the punishment of forfeiture of seniority. For the Indian Navy it is unnecessary to retain this differentiation and these powers are, therefore, conferred upon the Governor-General in Council alone.

*Sub-clause (14).*—This confers on the Governor-General in Council the power to modify, as may be necessary to suit Indian conditions, the general orders issued by the Admiralty from time to time regulating the procedure and practice of courts-martial.

*Sub-clauses (22) and (23).*—These sub-clauses provide for the discipline of the Volunteer Reserve.

*Sub-clause (24).*—This sub-clause is complementary to section 90B of the English Act, and is a necessary addition to that Act in applying it to the Indian Navy.

*Sub-clause (25)*—Section 98A of the English Act contains elaborate provisions relating to the recovery of maintenance for wives and children. These provisions seem unsuited to the varied conditions of marriage law in India, where, moreover, a summary mode of obtaining maintenance already exists in Chapter 36 of the Criminal Procedure Code. Section 98A has, therefore, been omitted.

MD. RAFI,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Report of the Select Committee on the Bill further to amend the Indian Tariff Act, 1894, the Indian Finance Act, 1931, and the Sea Customs Act, 1878, for certain purposes, was presented to the Legislative Assembly on the 1st December, 1933 :—

We, the undersigned Members of the Select Committee, to which the Bill further to amend the Indian Tariff Act, 1894, the Indian Finance Act, 1931, and the Sea Customs Act, 1878, for certain purposes, was referred, have considered the Bill, and have now the honour to submit this our Report, with the Bill annexed thereto.

2. We recognize that it is equitable that the oil which the Bill aims at making chargeable with import duty as illuminant oil should pay that duty if it is capable of use and is being extensively and increasingly used for purposes previously served by the inferior brands of "kerosene" which are already subject to excise duty. In order to satisfy ourselves on this point we examined certain witnesses representing trade interests affected by the Bill. On the one hand, the representatives of the importers although they assured us that they themselves imported and sold the oil solely as oil for use in engines, nevertheless admitted that they were unable, in spite of their best efforts, to prevent dealers from selling the oil as lamp oil, or consumers from so using it, and that they were equally unable to give definite figures for the proportion so used ; on the other hand, the representatives of the interests engaged in the manufacture and distribution of indigenous kerosene made statements regarding the growing encroachment of this oil on the "red kerosene" market which bore out the inferences that the Government had drawn from the statistical returns.

We considered with care two aspects of the Bill on which apprehensions were expressed.

It was suggested that the imposition of the high rate of duty on this light diesel oil because of its capacity for use as an illuminant might operate to raise the price to the consumer of oil genuinely intended and solely used for fuel purposes. Oil is used to a considerable extent in small engines employed in connection with agricultural operations, and we would deprecate anything having the effect of enhancing the cost of fuel oil to people using it for industrial or agricultural purposes. We have been unable to reach any certain conclusion as regards the possible effect on prices of diesel oil generally of subjecting to the higher duty the particular grade of oil that are now in question The representatives of Government assure us that they do not anticipate any increase on the ground that other diesel oils which are as suitable for use in diesel engines as the oil affected by this measure and which are available in the Indian market, will serve to satisfy the local demand, and that the present imports of oils affected by this measure are insufficient to exercise an appreciable effect on market prices. We have been further assured that Government will carefully watch the situation with the object of checking whether developments are such as to indicate that genuine users of diesel oil for power purposes are being placed at an appreciable disadvantage by the operation of the Bill, and that if it were established that any substantial prejudice results to those requiring diesel oil for industrial or agricultural purposes, Government will consider it obligatory upon them to take steps to redress this result. It is only on the strength of these assurances that we have found ourselves able to support this measure.

The second point on which apprehensions were expressed was the nature and the adequacy and impartiality of the test by which ultimate liability to the duty as illuminant

oil will be decided. We are assured that the standard lamp to be used is an instrument approved by technological experts for the purpose, and that adequate provisions can be secured by the rules prescribing the manner of making the contemplated tests to still such apprehensions. We note further that in the event of any dispute the importer will be able to take advantage of the provisions relating to appeal and revision that are embodied in the Sea Customs Act. It was explained that Government have no intention of fixing the standard in such a way as to apply the new duty to oils that are inferior as illuminants to the lowest grades of oil which are at present liable to customs or excise duty at the rates prescribed for kerosene.

We have appended to this Report a note in which some of us have expressed our views on the more general aspects of the taxation of illuminant oils.

3. The Bill was published in the *Gazette of India*, dated the 25th November 1933.

4. The Bill has not been altered, and we recommend that it be passed as now reported.

B. L. MITTER.
GEORGE SCHUSTER.
*K. P. THAMPAN.
BA MAUNG.
WAJIHUDDIN.
M. A. AZIM.
*S. C. MITRA.
S. GRANTHAM.
F. E. JAMES.
R. S. SARMA.
*ZIAUDDIN AHMAD.
*B. V. JADHAV.
*LALCHAND NAVALRAI.

NEW DELHI;
The 30th November 1933.

*Subject to a Note.

## NOTES.

We have signed the report subject to the following reservations. We are not given any data to satisfy us that the major portion or an appreciable portion of the diesel oil proposed to be brought under the scope of the Bill, is being used as illuminant, leading to any substantial loss of revenue.

The primary purpose for which this oil is imported is for use as fuel for oil engines employed for industrial and agricultural purposes, and for that it is distinctly superior to the ordinary diesel oil sold in the market. The fact that it can be used also as a low grade illuminant and is being actually used as such by some poor people does not induce us to support this measure. This oil was introduced into the market only recently by some enterprising Indians, and it is too early to assume in the absence of any reliable data to the contrary, that it has adversely affected the excise duty on the Kerosene which it might have displaced.

We were made to believe that the Honourable the Finance Member was willing to provide a machinery by which those who use this oil for running engines could be given refund of the increased duty. If such a provision is embodied in the Bill itself we might be willing to support this measure.

The low grade kerosene used by the poor villagers ought to be subjected to a lesser duty than for the ordinary kerosene oil. In our opinion differentiation can be determined by the standard test lamps shown to us. We are, therefore, of opinion that the custom duties on crude kerosene oil should be lowered and that diesel oil and crude kerosene oil which may be used for the same purpose should be charged the same custom duties.

K. P. THAMPAN.
B. V. JADHAV.
ZIAUDDIN AHMAD.
S. C. MITRA.

If the duty on diesel oil is increased its price will go up and the genuine users of the diesel oil and the poor people who use the illuminant portion of it will be at a disadvantage. I wish provision should be made for rebate or some such return beyond an assurance that Government will carefully watch the situation.

2. In view of the fact that diesel oil of the Indian Companies Messrs. the Mill Store and National Petroleum, in comparison with red kerosene oil, even if illuminant by test, is inferior in the sense of being coarser in colour, giving unsteady light, having a diminishing flame and being more smoky, the incidence of import duty on it should be lesser than the excise duty levied on red kerosene. Therefore the duty proposed in clauses 3 and 4 of the Bill be reduced.

The 1st December, 1933.

LALCHAND NAVALRAI.

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L. A. BILL No. 47 OF 1933.

**(As reported by the Select Committee.)**

*A Bill further to amend the Indian Tariff Act, 1894, the Indian Finance Act, 1931, and the Sea Customs Act, 1878, for certain purposes.*

WHEREAS it is expedient further to amend the Indian Tariff Act, 1894, the Indian Finance Act, 1931, and the Sea Customs Act 1878, for the purposes hereinafter appearing ; It is hereby enacted as follows :— VIII of 1894. VIII of 1878.

Short title.

**1.** This Act may be called the Indian Tariff (Second Amendment) Act, 1933.

Amendment of the Second Schedule VIII of 1894, Act VIII of 1894.

**2.** (*1*) After Item No. 40A of the Second Schedule to the Indian Tariff Act, 1894, the following item shall be inserted, namely :—

| | | | |
|---|---|---|---|
| " 40B | MINERAL OIL, not included in Item No. 40 or Item No. 40A, which is suitable for use as an illuminant in wick lamps. | Imperial gallon. | Two annas and three pies." |

(*2*) In sub-item (2) of Item No. 41 of the said Schedule, after the word " thermometer," the words " is not suitable for use as an illuminant in wick lamps, " shall be inserted.

Amendment of the Second Schedule to the Indian Finance Act, 1931.

**3.** After Item No. 40A of the Second Schedule to the Indian Finance Act, 1931, the following item shall be inserted, namely :—

| | | |
|---|---|---|
| " 40B | MINERAL OIL included in Item No. 40B. | Nine pies per Imperial gallon." |

Insertion of new section 195A in Act VIII of 1878.

**4.** After section 195 of the Sea Customs Act, 1878, the following section shall be inserted, namely :— VIII of 1878.

Power to make rules for determining whether mineral oil is suitable for use as an illuminant.

" 195A. (*1*) When by any law for the time being in force a duty of customs is imposed on mineral oil which is specified as being suitable or as not being suitable for use as an illuminant in wick lamps, the Chief Customs Authority may make rules for determining in disputed cases whether any mineral oil is or is not suitable for such use.

(*2*) In particular such rules may—

(*a*) specify the design, construction and materials of test lamps to be used for testing the burning properties of mineral oil in wick lamps and provide for the standardisation of such test lamps ; and

(*b*) prescribe the manner in which and the persons by whom tests are to be carried out and the standards to be accepted for deciding whether any mineral oil is or is not suitable for use as an illuminant in wick lamps. "

MD. RAFI,

Secretary to the Government of India.

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GOVERNMENT OF INDIA.

## LEGISLATIVE ASSEMBLY DEPARTMENT.

The following Report of the Select Committee appointed to consider the draft amendment to the Standing Orders proposed by Mr. S. C. Mitra, M.L.A., was presented to the Legislative Assembly on the 5th December, 1933 :—

We, the undersigned, Members of the Select Committee to which the draft of an amendment to the Standing Orders to provide that not more than four questions standing in the name of a member shall

be called for answer on the same day, was referred, have considered the amendment and have now the honour to submit this our Report.

2. We are of opinion that the proposed amendment may be dropped for the present. We feel that if the members of the Legislative Assembly are careful in selecting questions for oral answers and mark with asterisks only those questions in regard to which supplementary questions are likely to be asked, the object, which the amendment has in view, would be achieved.

SHANMUKHAM CHETTY.

ABDUL MATIN CHAUDHURY.

J. W. BHORE.

S. C. MITRA.

M. MASWOOD AHMAD.

F. E. JAMES.

JAGAN NATH AGGARWAL.

LALCHAND NAVALRAI,

B. L. RASTOGI.

NEW DELHI :

The 5th December, 1933.

MD. RAFI,

Secretary to the Government of India

1462 CS- 622—15-12-33—SGPP Lahore.

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# The Government Gazette

## PUNJAB AND ITS DEPENDENCIES.

**Published by Authority**

LAHORE, FRIDAY, DECEMBER 22, 1933.

## PART IV.

### Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

[ Third publication.]

[**As introduced in the Legislative Assembly.**]

A

BILL

TO

*Remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples.*

WHEREAS it is increasingly felt by the Hindu community that the disabilities imposed by custom and usage on certain classes of Hindus in respect of entry into their temples should be removed ;

AND WHEREAS doubts have been entertained whether trustees and others in charge of management of such temples have power to make any innovation contrary to the established custom or usage of the temples ;

AND WHEREAS it is expedient that the law as administered by the Courts should no longer prevent a trustee from allowing to any class of Hindus, who might have been excluded from a temple under his management entry into such temple, if the Hindu community in the locality is generally minded to allow such entry ;

It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Hindu Temple Entry Disabilities Removal Act, 1933.

(*2*) it extends to the whole of British India.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) " Board " shall mean the Board of Commissioners constituted under section 10 of the Madras Hindu Religious Endowments Act, 1926 ; Mad. Act II of 1927.



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(2) "Excluded caste" shall mean any caste or class of the Hindu community excluded by reason of established usage or custom from entering a temple;

(3) "Temple" shall mean a place, by whatever designation known, used as a right as a place of public worship by the Hindu community generally except the excluded castes;

(4) "Trustee" shall mean a person by whatever designation known in whom the administration of a temple is vested; and

(5) "Voters" shall mean—

(a) when used in connection with a temple having an annual income of Rs. 500 and above, the Hindu voters in the electoral roll of the Corporation of a City or in the electoral roll of a Municipality, or a District Board or a Taluk Board or any other similar local authority, constituted under the Local Boards Act within the area of which it is situated, and

(b) when used in connection with a temple having an annual income of less than Rs. 500, the Hindu voters in the electoral roll of the Municipal division in the City or the Municipal ward in the Municipal area in the mofussil or the Panchayat area within which it is situated.

Entry of excluded castes into temples to be decided by reference to the general body of voters.

**3.** (1) After the commencement of this Act, a written requisition signed by not less than fifty voters may be made to the trustee of a temple asking him that the question of throwing open the temple to any excluded caste may be referred for decision to the general body of the voters.

(2) Upon such requisition, the trustee shall forthwith refer the question to the voters for decision in the manner prescribed.

(3) The decision of a majority of the voters who have recorded their opinions shall be binding on the trustees of the temple and on all worshippers therein.

(4) Where the decision is in favour of allowing the entry of any excluded caste into the temple, the trustees shall publish an order in the manner prescribed that the excluded caste shall have a right of entry into such temple.

Entry of excluded castes into temple by notice by trustee.

**4.** (1) Notwithstanding any law, custom or usage to the contrary, it shall be open to a trustee of any Hindu temple himself to publish in the prescribed manner a notice that unless an objection is lodged with him within a period of one month from the date of publication of the notice, he will make an order allowing an excluded caste, mentioned by him in the notice, to enter into such temple.

(2) Within one month after the publication of such notice by a trustee, a written objection signed by not less than fifty voters may be lodged with the trustee, objecting to such entry. Upon the lodging of such objection, the question whether the excluded caste concerned shall or shall not be allowed entry into the temple shall be referred to the voters under sub-section (2) of section 3 as if a requisition had been made under sub-section (1) of that section.

(3) The decision of the majority of the voters recording their opinions shall be binding on the trustee and the worshippers of the temple.

(4) Where an objection has been lodged under sub-section (2) and the decision of the majority of the voters recording their opinions is in favour of allowing the entry of the excluded caste into the temple, or where no objection is raised, after the expiry of the period mentioned in the notice under sub-section (1), the trustee shall publish an order in the manner prescribed that the excluded caste shall have right of entry into the temple.

Entry of excluded castes into temples to be lawful after publication of the order.

**5.** On the publication in the prescribed manner of an order by the trustee under sub-section (4) of section 3 or sub-section (4) of section 4, it shall be lawful for any member of the excluded caste referred to in such order to enter into the temple for the purpose of worship therein, subject to such general regulations for the maintenance of order and cleanliness and the due observance of the religious ceremonies in the temple as may be made in that behalf by the trustees.

Fresh reference to voters no to be made before the expiry of one year.

**6.** Where a reference has been made to the voters under sub-section (2) of section 3 or sub-section (2) of section 4 and the majority of voters who have voted have decided against the throwing open of a temple to any excluded caste, no written requisition under section 3 shall be made nor a notice under section 4 be published for a period of one year from the date of which such reference was made.

Amendment of section 40, Mad. Act II of 1927.

**7.** In section 40 of the Madras Hindu Religious Endowment Act, 1926, the words "subject to the provisions of the Hindu Temple Entry Disabilities Removal Act, 1933" shall be inserted at the commencement. Mad. Act II of 1927.

Power to make regulations.

8. The trustees of a temple may, with the previous approval of the Board, make regulations—

(1) for the maintenance of order and cleanliness in the temple; and

(2) for the due observance of the customary religious ceremonial in the temple.

Power to make rules.

9. (1) The Local Government shall have power to make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, the Local Government shall have power to make rules prescribing—

(a) the form of the requisition by the voters for a referendum, and the manner of its presentation to the trustee;

(b) the manner of publication of the notices and orders of the trustee;

(c) the method of obtaining the opinions of the voters; and

(d) the decision of disputes regarding the ascertainment of such opinions.

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## STATEMENT OF OBJECTS AND REASONS.

The custom of segregation of certain classes of the Hindu community as untouchable and the social disabilities they suffer from have been the subject of universal condemnation. There has been continuous agitation on the part of leaders of these classes as well on the part of reformers among caste-Hindus to break the custom and remove the disabilities. Recent events have brought this agitation to a head and there is at present a great wave of feeling throughout India for the removal of disabilities of these "depressed classes" as they have commonly been called. Public agitation is specially focussed on the exclusion of these classes from entry into the ordinary Hindu temples along with caste-Hindus. Public Hindu Temples being places of more or less free and equal association of all sections and denominations of caste-Hindus in the worship of their common gods, it is felt that these "depressed classes" should also be given the right of entry into these temples for purposes of worship. In spite of great advance in public opinion established usage is enforced as law to the prejudice of these classes, and no change or innovation is permitted. Not only have courts treated the entry of members of these classes into Hindu temples as a defilement thereof punishable by the Indian Penal Code, but doubts have been felt as to the authority of trustees in charge of temples peacefully to permit such entry even when they feel that public opinion among the worshippers favours such entry. In the opinion of many trustees the law of the land and section 40 of the Madras Hindu Religious Endowments Act, II of 1927, in particular, stands in the way of any change. It is, therefore, necessary to enact a law of a permissive character enabling the removal of the bar where local public opinion favours such reform.

C. S. RANGA IYER.

1504 CS—622—22-12-33—SGPP Lahore.

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**Published by Authority**

LAHORE, FRIDAY, FEBRUARY 17, 1933.

## PART V.

### PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATIONS.

The 15th February 1933.

**No. 1.**—Under Standing Order 74-D of the Punjab Legislative Council Standing Orders, the Hon'ble the President has been pleased to nominate Mr. Nanak Chand Pandit to serve on the Standing Committee of the Punjab Legislative Council on Finance *vice* Rai Bahadur Lala Mohan Lal.

**No. 2.**—Under Standing Order 74-D of the Punjab Legislative Council Standing Orders, the Hon'ble the President has been pleased to nominate Chaudhri Nazir Husain to serve on the Standing Committee of the Punjab Legislative Council on Finance *vice* Shaikh Faiz Muhammad.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.



1869 CS—630—17-2-33—SGPP Lahore.

PGG

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ABNASHA SINGH,

Secretary, Punjab Legislative Council.



1889 CS—650—17-2-33—SGPP Lahore.

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LAHORE, FRIDAY, MARCH 31, 1933.


# PART V.

## PUNJAB LEGISLATIVE COUNCIL.

### NOTIFICATIONS.

The 25th March 1933.

**No. 3.**—The Punjab Municipal Executive Officer (Amendment) Bill, as introduced in the Punjab Legislative Council on the 24th March 1933, is published under rule 20 of the Punjab Legislative Council Rules.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.

BILL NO. 6 OF 1932.

**The Punjab Municipal Executive Officer (Amendment) Bill.**

*A Bill to amend the Punjab Municipal Executive Officer Act, 1931.*

WHEREAS it is expedient to amend the Punjab Municipal Executive Officer Act, 1931, for the purpose and in the manner ereinafter appearing, it is hereby enacted as follows :—

**1.** This Act may be called the Punjab Municipal Executive Officer (Amendment) Act, 1932.

**2.** It shall come into force on such date as the Local Government may by notification appoint in this behalf.

**3.** In section 1, sub-section (*2*) of the Punjab Municipal Executive Officer Act (hereinafter referred to as the said Act after the word "Punjab" in the last line the following shall be deemed to be added :—

"On a requisition made by a majority of its members, and it shall be so extended if the Local Government after having instituted due enquiry, are satisfied that the administration of the Municipality was unsatisfactory enough to justify its extension."

**4** In section 3, sub-section (*1*) of the said Act, the words "by not less than five-eighths of the total number of members constituting the Committee for the time being" shall be omitted, and between the words "rupees" and "inclusive" the following shall be deemed to be inserted :—

"in case the Committee is first class and five hundred rupees in case the Committee is second class."

5. In proviso to section 3, sub-section (*1*) of the said Act, the words "in the case of a first class Committee and Rs. 750 in the case of a second class Committee" shall be deemed to be added.

6. In sub-section (*2*) of section 3 of the said Act after the word "passed" in line 3 the words "by a majority of the members in favour" shall be deemed to be inserted and the words "to secure the prescribed five-eighths majority" shall be deemed to be omitted

7. Sub-section (*3*) of section 3 of the said Act shall be deemed to be omitted.

8. In sub-section (*4*) of section 3 of the said Act the following shall be deemed to be inserted after the figures "1,500" in line 7 :—

"in the case of a first class Committee and Rs. 500 in the case of a second class Committee."

9. In proviso to sub-section (*4*) of section 3 of the said Act the following shall be deemed to be added after the figures "2,000" :—

"in the case of a first class Committee and Rs. 750 in the case of a second class Committee."

10. In section 4, clause (*a*) of the said Act, the words "and subject to the general control of the President and in the absence of the President or the Vice-President" shall be deemed to be inserted in between the words "Act" and "vest" in the last line.

11. In section 5 of the said Act after the word "may" in the first line the words "and if so required by the Committee" shall be deemed to be inserted.

12. The following proviso to section 5 of the said Act shall be deemed to be added :—

"Provided that notwithstanding anything contained in section 4, the Secretary and the Municipal officers and servants immediately subordinate to him shall not be deemed to be under the control and supervision of the Executive Officer."

13. The following proviso to section 10 of the said Act shall be deemed to be added :—

"Provided that the President shall have full access to all records of the Committee and no official correspondence shall be conducted between the Executive Officer and the Deputy Commissioner, the Commissioner or the Local Government except through the President who shall be bound to attend to it with due expedition."

14. In Schedule II, paragraph 3 (1) of the said Act, the words "in the absence of the President" shall be deemed to be inserted after the word "or" in line 5.

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STATEMENT OF OBJECTS AND REASONS.

The Punjab Municipal Executive Officer Act, 1931, passed by the Punjab Legislative Council on the 7th May, 1931, received His Excellency the Governor's assent on the 2nd July, 1931, and that of His Excellency the Viceroy and Governor-General on the 2nd September, 1931. The Ministry of Local Self-Government extended it by Notification No. 31221 in the *Punjab Gazette*, dated the 23rd October, 1931, eight municipalities, namely, Ambala, Ludhiana, Lahore, Khem Karan, Amritsar, Sialkot, Multan and Bhiwani. Subsequently, two more municipalities, *viz.*, Rupar and Jhang-Maghiana, were also ordered to appoint their Executive Officers. Of these ten the Municipality of Bhiwani alone was able to select its Executive Officer. On the other hand, the Local Government itself has already taken nearly 4 months to exercise its power under sub-section (*4*) of section 3 of the Act. In view of the fact that out of ten municipalities to which the application of the Act had been extended, no less than nine have confessed their inability to find the requisite statutory majority of five-eighths for appointing their Executive Officers, the Local Government might well hesitate to put into operation its reserved power under sub-section (*4*) of section 3, particularly so because it is not contributing anything towards the additional expenditure entailed in the appointment of Executive Officers, and most probably also because it cannot be the intention of the Local Government to turn the local bodies into a regular department of the Government. Obviously, therefore, the artificial majority of five-eighths, desiderated by section 3 of the said Act, constitutes the chief stumbling block in the way of the Committees appointing their own Executive Officers which clause 6 of the Bill removes. Incidentally improvements in certain other provisions of the said Act have also been effected with a view to approximating them, as much as possible, to the principles on which self-governing institutions are commonly run.

MUHAMMAD DIN MALAK,
M. L. C.

2nd May 1932.

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LAHORE :
The 26th October 1932.

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

2134 CS—630—31-3-33—SGPP Lahore.

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# The Government Gazette

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LAHORE, FRIDAY, MAY 5, 1933.

## PART V.

### PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 1st May 1933.

**No. 4.**—The following members form the Standing Committee on *Finance* constituted under the Punjab Legislative Council Standing Order 74-A, for the financial year 1933-34 :—

*Ex-officio* MEMBER.

1. The Honourable the Finance Member.

NOMINATED MEMBERS.

2. The Honourable Khan Bahadur Captain Sardar Sir Sikander Hyat Khan, K.B.E.
3. The Honourable Sardar Sir Jogendra Singh, Kt.
4. The Honourable Malik Sir Firoz Khan Noon, Kt.
5. The Honourable Dr. Gokul Chand Narang.

ELECTED MEMBERS.

6. Rao Bahadur Chaudhri Chhotu Ram.
7. Mr. E. Maya Das.
8. Kanwar Mamraj Singh, Chohan.
9. Khan Bahadur Malik Muhammad Amin Khan.
10. Lala Labh Chand Mehra.
11. Shaikh Muhammad Sadiq.
12. Khan Bahadur Mian Muhammad Hayat Qureshi.
13. Sayad Mubarak Ali Shah.
14. Pir Akbar Ali.

ABNASHA SINGH,
Secretary, Punjab Legislative Council.



P6G

185 CS—630—5 5-33—SGPP Lahore.

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## PUNJAB AND ITS DEPENDENCIES.

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LAHORE, FRIDAY, MAY 5, 1933.

## PART V.

### PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 1st May 1933.

No. 4.—The following members form the Standing Committee on Finance constituted under the Punjab Legislative Council Standing Order 74-A, for the financial year 1933-34:—

*Ex-officio Member.*

1. The Honourable the Finance Member.

*Nominated Members.*

2. The Honourable Khan Bahadur Captain Sardar Sir Sikander Hyat Khan, K.B.E.
3. The Honourable Sardar Sir Jogendra Singh, Kt.
4. The Honourable Malik Sir Firoz Khan Noon, Kt.
5. The Honourable Dr. Gokul Chand Narang.

*Elected Members.*

6. Rao Bahadur Chaudhri Chhotu Ram.
7. Mr. K. Maya Das.
8. Kanwar Hamraj Singh Chohan.
9. Khan Bahadur Malik Muhammad Amin Khan.
10. Lala Lakh Chand Mehra.
11. Shaikh Muhammad Sadiq.
12. Khan Bahadur Mian Muhammad Hayat Qureshi.
13. Sayad Mubarak Ali Shah.
14. Pir Akbar Ali.

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

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## PUNJAB AND ITS DEPENDENCIES.

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LAHORE, FRIDAY, JULY 14, 1933.

## PART V.

### PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATIONS.

The 8th July 1933.

**No. 8.**—The following order by His Excellency the Governor of the Punjab is published for general information.

ABNASHA SINGH,

*Secretary, Punjab Legislative Council.*

ORDER :

In pursuance of the powers vested in me under sub-section (1) of section 72-A of the Government of India Act, I, Herbert William Emerson, Governor of the Punjab, propose to address the Punjab Legislative Council and for that purpose require the attendance of its members at 12 noon on Thursday, the 27th July 1933, at the Legislative Assembly Chamber, Simla.

SIMLA,
The 5th July 1933.

H. W. EMERSON,
*Governor of the Punjab.*

The 11th July 1933.

**No. 9.**—The following members form the Standing Committee on CANALS constituted under the Punjab Legislative Council Standing Order 74-A, for the financial year 1933-34 :—

*EX-OFFICIO* MEMBER.

1. The Hon'ble the Revenue Member.

NOMINATED MEMBERS.

Mr. D J. Boyd, C.I.E., I.C.S.

3. Mr. Miles Irving, C.I.E., O.B.E., I.C.S.

4. Mr. T. B. Tate, I.S.E.

ELECTED MEMBERS.

5. Rai Bahadur Lala Sewak Ram.
6. Khan Haibat Khan Daha.
7. Sardar Bahadur Captain Sardar Janmeja Singh.
8. Mian Nurullah.
9. Khan Bahadur Sardar Habib Ullah.
10. Shaikh Abdul Ghani.
11. Khan Bahadur Mian Ahmad Yar Khan Daultana.
12. Mr. Muhammad Din Malak.

**No. 10.**—The following members form the Standing Committee on JAILS constituted under the Punjab Legislative Council Standing Order 74-A, for the financial year 1933-34 :—

*EX-OFFICIO* MEMBER.

1. The Hon'ble the Finance Member.

NOMINATED MEMBERS.

2. Mr. C. M. G. Ogilvie, C.B.E., I.C.S.
3. Lala Labh Chand Mehra.

ELECTED MEMBERS.

4. Chaudhri Riasat Ali.
5. Chaudhri Ram Sarup.
6. Khan Bahadur Mian Mushtaq Ahmad Gurmani.
7. Mr. Muhammad Din Malak.
8. Sardar Mohinder Singh.

**No. 11.**—The following members form the Standing Committee on INDUSTRIES constituted under the Punjab Legislative Council Standing Order 74-A, for the financial year 1933-34 :—

*EX-OFFICIO* MEMBER.

1. The Hon'ble Minister for Local Self-Government

NOMINATED MEMBERS.

2. Mr. F. H. Puckle, C.I.E., I.C.S.
3. Mr. P. Marsden, I.C.S.

ELECTED MEMBERS.

4. Khan Bahadur Sardar Habib Ullah.
5. Shaikh Muhammad Sadiq.
6. Chaudhri Muhammad Abdul Rahman Khan.
7. Mr. M. A. Ghani.
8. Mr. Muhammad Din Malak.

**No. 12.**—The following members form the Standing Committee on CO-OPERATIVE SOCIETIES constituted under the Punjab Legislative Council Standing Order 74-A, for the financial year 1933-34 :—

*EX-OFFICIO* MEMBER.

1. The Hon'ble Minister for Agriculture.

NOMINATED MEMBERS.

2. Mr. D. J. Boyd, C.I.E., I.C.S.
3. Sardar Bishan Singh.

ELECTED MEMBERS.

4. Raja Muhammad Sarfraz Ali Khan.
5. Sardar Jawahar Singh Dhillon.
6. Chaudhri Bansi Lal.
7. Khan Sahib Mian Nur Ahmad Khan.
8. Khan Sahib Makhdum Shaikh Muhammad Hasan.

**No. 13.**—The following members form the Standing Committee on EXCISE constituted under the Punjab Legislative Council Standing Order 74-A, for the financial year 1933-34 :—

*EX-OFFICIO* MEMBER.

1. The Hon'ble Minister for Agriculture.

NOMINATED MEMBERS.

2. Mr. Miles Irving, C.I.E., O.B.E., I.C.S.
3. Mr. Owen Roberts.

ELECTED MEMBERS.

4. Sardar Bahadur Sardar Sheo Narain Singh.
5. Khan Sahib Mian Nur Ahmad Khan.
6. Rai Sahib Chaudhri Kesar Singh.
7. Chaudhri Shah Muhammad.
8. Khan Sahib Makhdum Shaikh Muhammad Hasan.

**No. 14.**—The following members form the Standing Committee on LOCAL SELF-GOVERNMENT constituted under the Punjab Legislative Council Standing Order 74-A, for the financial year 1933-34 :—

*EX-OFFICIO* MEMBER.

1. The Hon'ble Minister for Local Self-Government.

NOMINATED MEMBERS.

2. Mr. P. Marsden, I.C.S.
3. F. H. Puckle, C.I.E., I.C.S.

ELECTED MEMBERS.

4. Khwaja Muhammad Eusoof.
5. Mr. E. Maya Das.
6. Shaikh Muhammad Sadiq.
7. Mr. Owen Roberts.
8. Khan Bahadur Shaikh Din Muhammad.
9. Lala Nihal Chand Aggarwal.

**No. 15.**—The following members form the Standing Committee on PUBLIC HEALTH constituted under the Punjab Legislative Council Standing Order 74-A, for the financial year 19[illegible]3-34 :—

*EX-OFFICIO* MEMBER.

1. The Hon'ble Minister for Education.

NOMINATED MEMBERS.

2. Mr. P. Marsden, I.C.S.
3. Major R. C. Malhotra, C.B.E., I.M.S.

ELECTED MEMBERS.

4. Mian Nurullah.
5. Raja Muhammad Sarfraz Ali Khan.
6. Chaudhri Nathwa Singh.
7. Dr. (Mrs.) M. C. Shave.
8. Makhdumzada Sayad Muhammad Raza Shah Gilani.
9. Lieut. Sardar Ram Singh.

**No. 16.**—The following members form the Standing Committee on AGRICULTURE constituted under the Punjab Legislative Council Standing Order 74-A, for the financial year 1933-34 :—

*EX-OFFICIO* MEMBER.

1. The Hon'ble Minister for Agriculture.

NOMINATED MEMBERS.

2. Mr. D. J. Boyd, C.I.E., I.C.S.
3. Sardar Gurbachan Singh.

ELECTED MEMBERS.

4. Rai Bahadur Lala Sewak Ram.
5. Khan Bahadur Nawab Chaudhri Fazl Ali.
6. Lala Labh Chand Mehra.
7. Khan Bahadur Captain Malik Muzaffar Khan.
8. Chaudhri Muhammad Abdul Rahman Khan.

**No. 17.**—The following members form the Standing Committee on EDUCATION constituted under the Punjab Legislative Council Standing Order 74-A., for the financial year 1933-34 :—

*EX-OFFICIO* MEMBER.

1. The Hon'ble Minister for Education.

NOMINATED MEMBER.

2. Mr. R. Sanderson, I.E.S.

ELECTED MEMBERS.

3. Dr. (Mrs.) M. C. Shave.
4. Pir Akbar Ali.
5. Sheikh Muhammad Sadiq.
6. Sardar Jawahar Singh Dhillon.
7. Khan Bahadur Sardar Habib Ullah.
8. Chaudhri Nazir Husain.
9. Khan Bahadur Sheikh Din Muhammad.
10. Chaudhri Nathwa Singh.

**No. 18.**—The following members form the Standing Committee on LAND REVENUE constituted under the Punjab Legislative Council Standing Order 74-A, for the financial year 1933-34 :—

*EX-OFFICIO* MEMBER.

1. The Hon'ble the Revenue Member.

NOMINATED MEMBERS.

2. Mr. Miles Irving, C.I.E., O.B.E., I.C.S.
3. Mr. D. J. Boyd, C.I.E., I.C.S.
4. Mr. F. H. Puckle, C.I.E., I.C.S.

ELECTED MEMBERS.

5. Khan Bahadur Mian Mushtaq Ahmad Gurmani.
6. Khan Bahadur Nawab Chaudhri Fazal Ali.
7. Khan Haibat Khan Daha.
8. Rai Bahadur Lala Sewak Ram.
9. Khan Bahadur Mian Ahmad Yar Khan Daultana.
10. Khan Bahadur Malik Muhammad Amin Khan.
11. Kanwar Mamraj Singh Chohan.

**No. 19.**—The following members form the Standing Committee on POLICE constituted under the Punjab Legislative Council Standing Order 74-A, for the financial year 1933-34 :—

*EX-OFFICIO* MEMBER.

1. The Hon'ble the Finance Member.

NOMINATED MEMBER.

2. Mr. C. M. G. Ogilvie, C.B.E., I.C.S.

ELECTED MEMBERS.

3. Sardar Bahadur Captain Sardar Janmeja Singh.
4. Mr. Muhammad Din Malik.
5. Khan Bahadur Captain Malik Muzaffar Khan.
6. Sardar Bahadur Khan.

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## PART V.

### PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 17th July 1933.

**No. 20.**—His Excellency the Governor of the Punjab has been pleased to nominate Mr. J. E. Parkinson, I.E.S., Director of Public Instruction, Punjab, as a member of the Standing Committee of the Punjab Legislative Council on Education, *vice* Mr. R. Sanderson, I. E. S.

ABNASHA SINGH,
Secretary, Punjab Legislative Council.



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LAHORE, FRIDAY, AUGUST 11, 1933.

## PART V.

### PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 3rd August 1933.

**No. 21.**—As a result of the election held on the 31st July 1933 Chaudhri Ram Sarup, M.L.C., has been duly elected a member of the Public Accounts Committee in the vacancy caused by the death of Maulvi Imam-ud-Din.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.



689 CS—640—11-8-33—SGPP Lahore.

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LAHORE, FRIDAY, AUGUST 11, 1933.

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### PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATION.

The 3rd August 1933.

No. 21.—As a result of the election held on the 31st July 1933 Chaudhri Ram Sarup, M.L.C., has been duly elected a member of the Public Accounts Committee in the vacancy caused by the death of Maulvi Imam-ud-Din.

ABNASHA SINGH,

Secretary, Punjab Legislative Council.



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LAHORE, FRIDAY, NOVEMBER 3, 1933.

## PART V.

### PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATIONS.

The 30th October 1933.

**No. 22.**—His Excellency the Governor of the Punjab has been pleased to nominate Mr. C. M. G. Ogilvie, C.B.E., I.C.S., as a member of the Standing Committee of the Punjab Legislative Council on Local Self-Government, *vice* Mr. F. H. Puckle, C.I.E., I.C.S.

**No. 23.**—His Excellency the Governor of the Punjab has been pleased to nominate Mr. C. M. G. Ogilvie, C.B.E., I.C.S., as a member of the Standing Committee of the Punjab Legislative Council on Land Revenue *vice* Mr. F. H. Puckle, C.I.E., I.C.S.

**No. 24.**—His Excellency the Governor of the Punjab has been pleased to nominate Mr. J. W. Hearn, I.C.S., as a member of the Standing Committee of the Punjab Legislative Council on Jails, *vice* Mr. C. M. G. Ogilvie, C.B.E., I.C.S.

**No. 25.**— His Excellency the Governor of the Punjab has been pleased to nominate Mr. J. W. Hearn I.C.S., as a member of the Standing Committee of the Punjab Legislative Council on Police, *vice* Mr. C. M. G. Ogilvie, C.B.E., I.C.S.

**No. 26.**—His Excellency the Governor of the Punjab has been pleased to nominate Mr. A. Murphy, O.B.E., I.S.E., as a member of the Standing Committee of the Punjab Legislative Council on Canals, *vice* Mr. T. B. Tate, I.S.E.

**No. 27.**—His Excellency the Governor of the Punjab has been pleased to nominate Mr. R. Sanderson, I.E.S., as a member of the Standing Committee of the Punjab Legislative Council on Education, *vice* Mr. J. E. Parkinson, I.E.S.

**No. 28.**—His Excellency the Governor of the Punjab has been pleased to nominate Mr. B. M. Staig, I.C.S., as a member of the Standing Committee of the Punjab Legislative Council on Industries, *vice* Mr. F. H. Puckle, C.I.E., I.C.S.

The 31st October 1933.

**No. 29.**—The following Order of Prorogation issued by His Excellency the Governor of the Punjab is published for general information :—

ABNASHA SINGH,
Secretary, Punjab Legislative Council.

" ORDER OF PROROGATION.

IN pursuance of the powers conferred on me by sub-section (2) of section 72-B of the Government of India Act, I, Herbert William Emerson, Governor of the Punjab, hereby direct that the Legislative Council of the Punjab do stand prorogued until such date as shall be hereafter fixed.

LAHORE : H. W. EMERSON,
Dated the 26th October 1933. Governor of the Punjab. "

1181 CS—632—1-11-33—SGPP Lahore.

Registered No. L. 864.

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**Published by Authority**

LAHORE, FRIDAY, NOVEMBER 17, 1933.

## PART V.

### PUNJAB LEGISLATIVE COUNCIL.

NOTIFICATIONS.

The 9th November 1933.

**No. 30.**—Under Standing Order 74-D of the Punjab Legislative Council Standing Orders, the Hon'ble the President of the Punjab Legislative Council is pleased to nominate Shaikh Abdul Ghani, M. L. C., as a member of the Standing Committee on Local Self-Government, *vice* Khan Bahadur Shaikh Din Mohammad.

**No. 31.**—Under Standing Order 74-D of the Punjab Legislative Council Standing Orders, the Hon'ble the President of the Punjab Legislative Council is pleased to nominate Khan Bahadur Mian Ahmad Yar Khan Daultana, M. L. C., as a member of the Standing Committee on Education, *vice* Khan Bahadur Shaikh Din Mohammad.

**No. 32.**—Under Standing Order 74-D of the Punjab Legislative Council Standing Orders, the Hon'ble the President of the Punjab Legislative Council has been pleased to nominate Chaudhri Faqir Husain Khan, M. L. C., as a member of the Standing Committee on Land Revenue, *vice* Khan Bahadur Mian Ahmad Yar Khan Daultana, M. L. C.

ABNASHA SINGH,
Secretary, Punjab Legislative Council.



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1272 CS—632—17-11-33—SGPP Lahore.

1933